



Council Offices, Almada Street
Hamilton, ML3 0AA

Friday, 24 September 2021

Dear Councillor

Planning Committee

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

Date: Tuesday, 05 October 2021
Time: 10:00
Venue: By Microsoft Teams,

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

Yours sincerely

Cleland Sneddon
Chief Executive

Members

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

Substitutes

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

BUSINESS

1 Declaration of Interests

2 Minutes of Previous Meeting

5 - 6

Minutes of the meeting of the Planning Committee held on 7 September 2021 submitted for approval as a correct record. (Copy attached)

Item(s) for Decision

- | | | |
|-----------|--|-----------|
| 3 | Application P/20/1410 for Erection of 2 Bungalows and Accoustic Fence at Land 36 Metres West of 53 Mill Road, Mill Road, Thankerton, Biggar
Report dated 15 September 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 7 - 26 |
| 4 | Application P/21/0150 for Erection of Single Storey House and Outbuilding at Avondyke Training Centre, Dykehead Road, Stonehouse
Report dated 15 September 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 27 - 46 |
| 5 | Application P/21/0730 for Erection of 52 Houses with Associated Infrastructure including Roads, Drainage, SUDS Pond and Landscaping at Site next to Hillcrest, Strathaven Road, Hamilton
Report dated 24 September 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 47 - 64 |
| 6 | Application P/20/1777 for Erection of 2 Storey House and Associated Works at Plot 4, Springbank House, West Mains Road, East Kilbride
Report dated 15 September 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 65 - 80 |
| 7 | Application P/21/0849 for Change of Use of Former Horticultural Site to an Eco Storage Facility and the Erection of Building, Storage of Materials, Parking and Alterations to Access (Retrospective) at Hapenton Nursery, 290 Strathaven Road, Limekilnburn, Hamilton
Report dated 24 September 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 81 - 92 |
| 8 | Application P/21/0613 for Re-profiling of Existing Ground Levels to Facilitate Future Residential Development, Including Associated Retaining Walls, Construction of New Residential Access Road and SUDS Basin (Approval of Matters Specified in Condition 1 (A, C, F and M) of Planning Application EK/09/0218)
Report dated 15 September 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 93 - 104 |
| 9 | South Lanarkshire Local Development Plan 2 – Legal Challenge
Report dated 16 September 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 105 - 122 |
| 10 | Designation of Local Nature Reserves
Report dated 14 September 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 123 - 144 |

Urgent Business

11 Urgent Business

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

For further information, please contact:-

Clerk Name: Stuart McLeod

Clerk Telephone: 01698 454815

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

PLANNING COMMITTEE

2

Minutes of meeting held via Microsoft Teams on 7 September 2021

Chair:

Councillor Isobel Dorman

Councillors Present:

Councillor Alex Allison, Councillor John Anderson, Councillor Archie Buchanan, Councillor Gerry Convery (*substitute for Councillor Bert Thomson*), Councillor Margaret Cowie, Councillor Peter Craig, Councillor Maureen Devlin, Councillor Mary Donnelly, Councillor Lynsey Hamilton, Councillor Ann Le Blond, Councillor Martin Lennon, Councillor Richard Lockhart, Councillor Joe Lowe, Councillor Ian McAllan, Councillor Davie McLachlan, Councillor Lynne Nailon, Councillor Carol Nugent, Councillor Graham Scott, Councillor David Shearer, Councillor Jim Wardhaugh

Councillors' Apologies:

Councillor John Bradley, Councillor Fiona Dryburgh, Councillor Ian Harrow, Councillor Mark Horsham (Depute), Councillor John Ross (ex officio), Councillor Bert Thomson

Attending:

Community and Enterprise Resources

B Darroch, Planning and Building Standards Manager (East); F Jack, Team Leader, Development Management Team, Roads and Transportation Services

Finance and Corporate Resources

M Cannon, Solicitor; L Carstairs, Public Relations Officer; K McLeod, Administration Assistant; S McLeod, Administration Officer

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 10 August 2021 were submitted for approval as a correct record.

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

3 Application P/20/1047 for Redevelopment of Existing Farm Buildings to Provide Farm Workers' Dwellings, New Agricultural Buildings, Estate Office and Main Farmhouse with Access, Landscaping and Associated Infrastructure (Planning Permission in Principle) at Auchentibber Farm, Auchentibber Road, Blantyre

A report dated 27 August 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/1047 by the Shields Family, c/o Advance Construction for redevelopment of existing farm buildings to provide farm workers' dwellings, new agricultural buildings, estate office and main farmhouse with access, landscaping and associated infrastructure (planning permission in principle) at Auchentibber Farm, Auchentibber Road, Blantyre.

The Committee decided:

that planning application P/20/1047 by the Shields Family c/o Advance Construction for redevelopment of existing farm buildings to provide farm workers' dwellings, new agricultural buildings, estate office and main farmhouse with access, landscaping and associated infrastructure (planning permission in principle) at Auchentibber Farm, Auchentibber Road, Blantyre be granted subject to the conditions specified in the Executive Director's report.

Councillor McAllan joined the meeting during this item of business

4 Application P/20/1391 for Erection of 38 Houses (Including 8 Cottage Flats) and Associated Roads, Site Remediation, Drainage, Landscaping and Land Engineering Operations at Land 115 Metres Southeast of 101 Avon Road, Avon Road, Larkhall

A report dated 27 August 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/1391 by Cruden Building and Renewals for the erection of 38 houses (including 8 cottage flats) and associated roads, site remediation, drainage, landscaping and land engineering operations at land 115 metres southeast of 101 Avon Road, Avon Road, Larkhall.

The Committee decided:

that planning application P/20/1391 by Cruden Building and Renewals for the erection of 38 houses (including 8 cottage flats) and associated roads, site remediation, drainage, landscaping and land engineering operations at land 115 metres southeast of 101 Avon Road, Avon Road, Larkhall be granted subject to the conditions specified in the Executive Director's report.

5 Urgent Business

There were no items of urgent business.

Report

3

Report to:	Planning Committee
Date of Meeting:	5 October 2021
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/20/1410
Planning proposal:	Erection of 2 Bungalows and Acoustic Fence

1 Summary application information

- Application type: Detailed planning application
- Applicant: Mr Matt McDonald
- Location: Land 36M West of 53 Mill Road
Mill Road
Thankerton
Biggar

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: James Baird
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): Adopted SLDP2: Policy 3 General Urban Areas
Adopted SLDP2: Policy 4 Green Belt and Rural Area
Adopted SLDP2: Policy 5 Development Management and Placemaking
Adopted SLDP2: Policy 14 Natural and Historic Environment
Adopted SLDP2: Policy 2 Climate change
Adopted SLDP2: Policy DM1 New Development Design
Adopted SLDP2: Policy GBRA7 Small Scale Settlement Extensions
Adopted SLDP2: Policy GBRA1 - SDLP2 Rural Design and Development
Adopted SLDP2: Policy NHE16 Landscape

◆ **Representation(s):**

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

◆ **Consultation(s):**

Roads Flood Risk Management

Roads Development Management Team

Environmental Services

Scottish Water

Network Rail

Quothquan and Thankerton Community Council

Planning Application Report

1 Application Site

- 1.1 The site is located at the rear of the public house and shop unit fronting Mill Road, Thankerton and is bounded to the south by private garden space, to the east by the pub car park, further to the east and north by agricultural land (subject of a Planning Application for 34 dwellings which has Committee approval, however, is awaiting the conclusion of a section 75 agreement before a Decision can be issued) and by the main West Coast Railway to the west. It is a vacant brownfield site which historically was used as a railway yard. The site lies partly within the settlement boundary of Thankerton whilst the northern section, triangular in shape, narrowing to a corner, falls within the designated rural area. There are piles of excavated material in the corner area. Vehicular access is taken through the adjoining car park area for the public house, an area of land in separate ownership that the applicant has a right of access over.

2 Proposal(s)

- 2.1 The application seeks permission for two single storey detached dwellings with simple proportions, a rectangular footprint and a front porch and rear extension containing a utility room. The porch and extension have pitched roofs at a lower height than the principle ridgeline which project out at right angles from the main roof plain. The design has simple proportions, steep roof pitches and the fenestration has a vertical emphasis in line with the Rural Design Guidance.
- 2.2 Plot 1 will be located to the rear of the pub and orientated on an east/west axis while Plot 2 is situated in the northern half on a north/south axis. Both plots will be accessed from the pub via a single access with driveways diverting on either side to their respective plots. Two parking spaces have been allocated to each plot.
- 2.3 Landscaping is proposed in the northern triangular area and in the south west and south east corners. The proposal involves the reinstatement of an earth mound along the railway boundary and to the front of the mound an acoustic fence will be installed.

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 (SLLDP2) and its impact on residential amenity, traffic safety, environmental matters and infrastructure issues.
- 3.1.2 For the purposes of determining planning applications, the Council will assess proposals against the policies contained within the adopted SLLDP2 which was formally adopted in April 2021. The site partly falls within the settlement boundary of Thankerton and partly within a designated rural area where the relevant land use Policies are 3 – General Urban Areas and 4 – Green Belt and Rural Area. In addition to these land use designations, Policies 2 – Climate Change, 5 – Development Management and Place Making, 14 - Natural and Historic, DM1 New Development Design, GBRA7 - Small Scale Settlement Extensions, GBRA1 - Rural Design and Development and NHE16 - Landscape are of relevance to the determination of this application.

3.2 Relevant Government Advice/Policy

- 3.2.1 In terms of residential development, Scottish Planning Policy (SPP) advises that the planning system should identify a generous supply of land to support the achievement of housing land requirements and maintaining at least a 5 year supply of land at all times. It should also enable the development of well designed, energy efficient, good

quality housing in sustainable locations and focus on the delivery of allocated sites. Consideration should be given to the re-use or re-development of brownfield land before development takes place on greenfield sites.

3.3 **Planning Background**

- 3.3.1 The original outline planning consent for residential use on the site was granted in January 2005, (ref: CL/04/0696). A subsequent detailed application for 2 semi-detached dwellinghouses and 2 domestic garages on the site was approved in May 2014 (ref: CL/13/0458). The design was traditional in style. These dwellings were located within the settlement boundary, however, the garages and associated garden areas were positioned outwith. Planning Permission CL/17/0204 to renew CL/13/0485 was granted in September 2017 and would have expired last year prior to the submission of the current application. However, the Coronavirus (Scotland) Act 2020 and the subsequent Coronavirus (Scotland) (No. 2) Act 2020 included the extension of planning permissions which would otherwise have lapsed during the emergency, extending the period to April 2021. The associated Town and Country Planning (Emergency Period and Extended Period (Coronavirus) (Scotland) Regulations 2021 has extended that period further to March 2022, keeping Planning Permission CL/17/0204 live. Further, the neighbouring agricultural field has Committee approval P/19/0405 for 34 dwellings although the issuing of a Decision has been delayed because a section 75 agreement covering contributions has still to be finalised.

4 **Consultation(s)**

- 4.1 **Roads and Transportation Services** – No objection as the applicant has shown adequate parking and turning spaces within the plots. The applicant should demonstrate that they would have a right of way through the public house car park.
Response: Noted. The applicant has submitted title deeds confirming legal right of access through the carpark.
- 4.2 **Flood Unit** – No objection subject to conditions covering SUDS and confirmation from Scottish Water that they will accept drainage discharge.
Response: Noted. Appropriate conditions have been attached.
- 4.3 **Environmental Services** – No objection subject to conditions on a noise assessment on the impact of railway noise, a scheme of noise mitigation and a vibration survey.
Response: Noted. Appropriate conditions have been attached.
- 4.4 **Scottish Water** - There is sufficient capacity at the Coulter Water Treatment Works and the Thankerton Waste Water Treatment Works. For reasons of sustainability and to protect their customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into their combined sewer system. There may be limited exceptional circumstances where they would allow such a connection for brownfield sites only, however, this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges. In order to avoid costs and delays where a surface water discharge to their combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. They will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.
Response: Noted. If permission is granted conditions will be applied requiring confirmation from Scottish Water that the proposed dwellings can be connected into the public water supply and sewerage networks and that Scottish Water are prepared to accept a drainage discharge into their system.

- 4.5 **Network Rail** – No objection, however, informatives should be attached requiring prior approval from Network Rail for any proposed work on their land and the work must be undertaken safely in a manner which does not disturb railway operations.

Response: Noted. If permission is granted the recommended informative note will be attached to the Decision Notice.

- 4.6 **Quothquan and Thankerton Community Council** – They advise that there have been disputes concerning boundaries on neighbouring properties and that they do not match those held at the Land Register. The developer has not participated in those resolution discussions. They also consider that two bungalows on a tight plot appear excessive and could result in a public safety hazard. In addition, they also raise the following concerns:-

- ◆ The site should be used for a use involving no vehicular travel through the pub car park. Suggestions have included a children's play area and allotments
- ◆ Plot 1 will be overlooked by the garden of no 49B Mill Road and appears to be too close to the village shop and village inn
- ◆ Noise from village events at the pub could disturb the residents
- ◆ The plan suggests the right of access from the car park extends across the full boundary, however, access is only through the gates on the right hand side. Potentially this could result in a loss of car parking spaces and result in offsite parking on the public road
- ◆ Spoil heaps in the triangular corner should be removed and levels brought back to the original levels. Water is ponding as a result of the railway being at a higher level than the site
- ◆ The wooden gates providing access to the car park from Mill Road are kept closed when the village inn is not open resulting in vehicles standing on a busy road near a junction with a high accident level
- ◆ Visibility looking northwards along Mill road is restricted by a hedgeline and southward by a wooden fence and there is a lack of a continuous footpath
- ◆ Removal of trees has seen a reduction in the number of visits from owls and bats have disappeared from the area. The tree was felled in 2020 before the application was submitted
- ◆ The carpark is formed with gravel and could be compacted causing height difference between the car park and the road kerbside resulting in vehicles emerging being faced with a slope approaching the road which in snowy, icy conditions will hamper movement

Response: Title deeds have been submitted demonstrating that the applicant's legal boundaries reflect the application site boundaries. Each plot has sufficient garden space, parking, turning areas and sufficient distance between the dwellings and boundaries with neighbouring properties in compliance with guidance in the Residential Development Guide. The principle of the acceptability of residential development on the site has been established by planning permissions, in the recent past. Any alternative use such as play area or allotments would require the co-operation of the landowner which is unlikely to be forthcoming. An application for dwellings has been submitted and Planning is responsible for assessing it on its individual merits - consideration of alternative uses does not form part of this assessment.

Existing embankments along the southern and eastern boundaries facilitates screening and privacy protection for Plot 1. The presence of the embankment will prevent direct overlooking from the garden of no. 49B other than from the top of an embankment, accessed by steps, along the boundary with the railway to the rear of the garden, where a degree of limited overlooking will be possible. However, this is

considered commensurate with urban areas in general and will not compromise privacy to any significant degree.

There are already existing residential properties in close proximity to the pub – any noise nuisance from the pub affecting existing or future residents can be investigated by Environmental Health and redressed through their legislative powers and procedures.

Plans have been revised showing access from the existing gates on the right hand side rather than across the full boundary. Also, these plans detail parking spaces situated along the southern boundary of the car park. If permission is granted a condition will be attached to ensure the removal of the spoil heaps and the installation of an appropriate drainage system. Roads and Transportation Services in their consultation response have not raised any issues concerning public or road safety hazards or indicated that they have records showing a high accident rate along this section of road. A small scale development will not generate a significant increase in traffic accessing and egressing the car park. The gates and boundary fence of the car park sit back from the road edge. There is a road verge to the north and footways on the east side of Mill Road. The site access falls within a 30mph speed zone, the alignment of Mill Road, is straight with relatively good visibility along it. During site visits it was observed that Mill Road in terms of traffic is generally quiet.

The tree which was removed was not protected. Also, in the surrounding area there are a range of habitats, woodlands and trees where any displaced owl could revert to. It is unlikely that the removal of a tree or small number of trees within a small site would have resulted in the disappearance of bats from the area – this could be influenced by other factors.

There is little evidence that the surface of the car park has been compacted despite being used over a long period of time by pub customers, therefore, a minor increase in traffic to access two dwellings is unlikely to cause compaction to such a degree that a level difference between the carpark surface and the roadside is created. As in the case of any private access, responsibility for clearing snow rests with the owner. Negotiations between the applicant and the owner of the neighbouring land to lay services over the land in question has proved unsuccessful. The agent has advised that the applicant has laid service ducts through the carpark but could not advise on whether there is legal entitlement to do so or whether agreement has been obtained from the affected owner.

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 Development Contrary to the Development Plan and non-notification of neighbours, 16 letters of objection and 1 comment letter have been received. The issues raised are summarised below:-

a) Impact upon events held in the pub car park.

Response: Irrespective of any planned event, the applicant already has a legal right of access through the car park.

b) Repeated accidents at the Mill Road/ Millands Road junction. Cars entering or leaving the pub car park will have to stop on the road to open or close gates causing additional traffic danger. Visibility blocked by hedgerow or fence.

Response: Roads and Transportation Services in their consultation response have not raised any issues concerning public or road safety hazards or indicated

that they have records showing a high accident rate along this section of road. A small scale development will not generate a significant increase in traffic accessing and egressing the car park.

- c) Plans show the entire end of the car park being turned into a driveway access impacting upon customer parking.**

Response: Plans have been revised showing only one access into the site via the existing gates on the right hand side. Customer parking has been delineated along the southern boundary of the car parking thereby indicating a clear route from the car park entrance to the site access gates.

- d) Mounding along the railway needs to be reinstated to protect residents from noise.**

Response: The site plan indicates the reinstatement of the mound and if permission is granted a condition will require that this reinstatement shall be completed prior to commencement of any work on the dwellings.

- e) Tree removal and owls and bats that used the trees have not been seen since.**

Response: The trees were not formally protected, therefore, prior permission was not required to remove them. There is sufficient suitable habitat, woodlands and trees in the surrounding area which can be used by owls and bats which may have been displaced by the removal of these trees.

- f) Flooding from the railway.**

Response: The Flood Unit in their consultation response did not object subject to a condition covering the installation of appropriate drainage to deal with surface water run-off.

- g) Massive heaps of rubble have been dumped creating a blot on the landscape.**

Response: If Planning Permission is granted a condition will be attached requiring the removal of the spoil heaps prior to commencement of work on the proposed dwellings.

- h) Do the title deeds reflect the application site boundary?**

Response: The copy of the title deeds submitted by the applicant does correspond with the application site boundary.

- i) The proposal will impact badly upon the pub business.**

Response: This claim has not been substantiated, however, if it relates to a potential reduction in parking spaces, the applicant does have a legal right of access through the car park and the revised plans have delineated available parking spaces. The pub is also within easy walking distance for most customers who are Thankerton residents.

- j) What action will be taken to secure garden boundary from the removal of the previously existing sound bund. The height difference is large and the ground is beginning to slip with all the wet weather.**

Response: If Planning Permission is granted a condition will be attached requiring the construction of a retaining wall to stabilise the earth embankment.

- k) How are the services likely to be applied to the site? There are no service rights contained within the title deeds. The owner of the neighbouring land will not allow access through their land for a mains service to the development. There have been prior attempts to install illegal access to the mains through the site.**

Response: At present there does appear to be legal impediment to the linkage of services across third party land, outwith the applicant's control, into the site. Without appropriate services the proposed dwellings could not be occupied or marketed for sale. Nonetheless, the recent planning permissions have established the acceptability of a residential development on the site and the proposal itself is assessed to be compliant with local plan policies. Planning Permission runs for three years before expiring if work has not commenced and pre-start conditions been discharged – during that three year period an agreement between the affected landowners and the applicant or successor could be negotiated before planning permission expires. Any attempt to lay services without the approval of the landowners is regrettable. The Planning process is confined to considering the acceptability of the proposal in the context of the site and surroundings – a positive outcome in the planning assessment does not in any way condone unauthorised encroachment onto private land which is a matter for separate legal action to be pursued by the affected landowners.

l) Overlooking from neighbouring garden.

Response: The presence of the embankment will prevent direct overlooking from the garden of no 49B other than from the top of an embankment, accessed by steps, along the boundary with the railway to the rear of the garden where a degree of limited overlooking will be possible, however, this level of overlooking is similar to that experienced within urban areas in general.

m) The site does not form any reasonable access to the road. Access through the car park will be refused.

Response: The applicant has a legal right of access from the road to the site and Roads and Transportation Services have not raised concerns about the nature of the access.

n) Just how would a fire engine reach a burning house through a pub car park full of cars?

Response: If the applicant has a legal right of access through the car park that implies the access should be kept free of obstruction.

o) It is more suited to a children's play area or allotments. The Council should buy the land and gift it to the Community Council to set up something suitable for the community.

Response: If the land is for sale then the Community Council could make representation to the Council to purchase the land on their behalf. However, it is not the remit of planning to consider such a proposition or alternative uses for the site.

p) The plot is not large enough for two bungalows.

Response: The dwellings have sufficient garden space, parking, turning areas and sufficient distance between the dwellings and boundaries with neighbouring properties in compliance with guidance in the Residential Development Guide.

q) The removal of the bund has been carried out on land which does not belong to the applicant.

Response: The bund fell within land owned by Network Rail who have been owner notified and consulted about the application and in response they have not objected. The proposal involves the reinstatement of the bund/sound embankment along the railway boundary.

r) Will trees felled be replaced?

Response: If Planning Permission is granted a condition will be applied requiring the implementation of a tree planting scheme.

s) A fence is no replacement for the lost sound protection banking.

Response: The sound banking will be reinstated and positioned behind an acoustic fence.

t) Who will be required to plough snow?

Response: As in the case of all private accesses the responsibility rests with the owner and associated users.

u) Any plant machinery or service vehicles should not park within the car park. The car park is privately owned and any damage caused would be the sole responsibility of the developer.

Response: Noted. If Planning Permission is granted a condition will be attached to ensure no construction traffic/plant is parked in the pub car park or on the public road.

v) There is no agreement in place to allow any alteration to the car park layout in anyway.

Response: No alteration to the car park layout is proposed.

w) Building work has already started on the plot behind the pub. A trench has been dug and filled with a cement mix. Are there any changes to the original application as this would be some way closer to the railway than was expected?

Response: The agent for the applicant has advised that a trench has been prepared in anticipation of an acoustic fence being installed.

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

6 Assessment and Conclusions

6.1 The determining issues in the consideration of this application are its compliance with the adopted South Lanarkshire Local Plan 2 (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 partly located within the settlement boundary of Thankerton whilst the rest of the site is confined to a small area bounded on three sides by the settlement edge. There are a number of services and facilities in the village which are within easy walking distance. The proposal will redevelop a brownfield site and will not encroach onto greenfield land. The site is not at risk of flooding subject to the installation of suitable drainage to contain surface water flow into the site from neighbouring land. Conditions have been attached requiring the submission and approval of details for low carbon technology and for a tree planting scheme. Electrical vehicle recharging can be obtained from the electrical supply servicing the houses. In consideration, the proposals would not undermine the objectives of policy 2.

6.3 The part of the site where Plot 1 will be built is identified in the adopted South Lanarkshire Local Development Plan 2 as being within the settlement boundary of

Thankerton. Policy 3 - General Urban Areas and Settlements states that residential developments on appropriate sites will generally be acceptable provided they do not have a significant adverse impact on the amenity and character of the area. The proposed dwelling being in an established residential area can be integrated into its setting without any amenity impacts. Therefore, that element of the proposal complies with Policy 3.

- 6.4 Policy 4 'Green Belt and Rural Area' of the adopted South Lanarkshire Local Development Plan 2 specifies that within the Rural Area the aim is to protect the amenity of the countryside while at the same time, supporting small scale development in the right places that is appropriate in land use terms and is of a high environmental quality that will support the needs of communities. It functions primarily for agriculture, forestry, recreation and other uses appropriate to the countryside. Development which does not need to be located in the countryside will be expected to be accommodated within the settlements identified on the proposals map. Isolated and sporadic development will not be supported. The dwelling proposed for Plot 2 is located within a designated rural area.
- 6.5 Policy 'GBRA7 Small Scale Settlement Extensions' which states within the Rural Area proposals for new houses on sites adjoining existing settlements will be required to meet the following criteria:
1. The development shall round off the existing built form of the settlement and maintain a defensible settlement boundary. This should be achieved through the retention or enhancement of existing features or by additional structural planting.
 2. The proposals shall respect the specific local character and the existing pattern of development within the settlement. The development should be of a scale proportionate to the size of the existing settlement.
 3. The location, siting and design of the new house(s) shall meet existing rural design policy and guidance as set out in Policy GBRA1 and in supporting planning guidance.
- 6.6 The area of the application site, where Plot 2 is located, falls outwith the settlement edge. It is a narrow strip of brownfield land closely bounded by the settlement edge to the north, east and south and by the physical barrier of the railway to the west. It makes logical sense to incorporate it within the settlement. Further the field to the north and east which falls within the settlement boundary is identified within the adopted South Lanarkshire Local Development Plan 2 as being a Housing Land Supply site which has Planning Approval (P/19/0405) for 34 dwellings subject to the conclusion of a section 75 agreement for contributions. To help with integration, tree planting is proposed in the northern, south eastern and south western corners. Previous Planning Permissions CL/13/0458 and CL/17/0204 had a site layout with the garages and associated gardens of the approved semi-detached dwellings being located within the area in question, therefore, the acceptability of residential development has already been established. Following a detailed assessment of the application it is concluded that the proposal represents a proportionate and appropriate small scale expansion of the existing settlement as it will round off and consolidate the boundary edge and the scale, design and siting of the proposed dwelling will have no adverse impact on either residential or visual amenity in compliance with Policy GBRA1 (this is further considered in paragraphs 6.8 and 6.9 below). In consideration the proposed development complies with Policies 4 and GBRA7.

- 6.7 Policy 5 - Development Management and Place Making, together with the Development Management and Placemaking Supplementary Guidance supports residential developments where they do not have a significant adverse effect on the amenity of the area. In addition, any new development must relate satisfactorily to adjacent and surrounding development in terms of scale, massing, materials and intensity of use. The character and amenity of the area must not be impaired by reason of traffic generation, parking, overshadowing, overlooking or visual intrusion. Policy DM1 - New Development Design reiterates these points and adds that modern innovative design can reflect local tradition through scale, massing, siting and colour rather than replicating existing building form. New houses should be designed in such a way as to incorporate high speed broadband connection.
- 6.8 Policy GBRA1 – Rural Design and Development advises that proposed developments within the Green Belt and Rural Area will require to adhere to listed criteria; the salient points of which are summarised below:
1. Developments shall be sited in a manner that respects existing built form, land form and local landscape character and setting.
 2. Proposed developments shall be well related to locally traditional patterns of scale and shall avoid the introduction of suburban-style developments into the rural environment.
 3. Proposals shall be of a high quality, of either traditional or contemporary innovative design which interprets and adapts traditional principles and features.
 4. Proposals shall make use of appropriate materials which respect and reinforce local character and identity.
 5. Developments shall have no unacceptable adverse impacts on existing residential amenity, particularly in terms of overlooking or overshadowing of existing residential properties.
 6. Development proposals shall incorporate suitable boundary treatment and landscaping proposals to minimise the visual impact of the development on the surrounding landscape. Existing trees, woodland and boundary features such as beech and hawthorn hedgerows and stone dykes, shall be retained on site.
 7. Proposals shall be readily served by all necessary infrastructure including water, sewerage and electricity as required to accommodate the development.
 8. Proposals shall comply with all required parking and access standards and have no adverse impact in terms of road or public safety.
 9. Proposals shall have no unacceptable significant adverse impact on the natural and historic environment and no adverse effect on the integrity of any Natura 2000 sites.
- 6.9 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 comply with guidance in the Residential and Rural Design Guides. The proposal will not have a significant impact upon landscape features, protected habitats or species. Service provision will require linkages over third party land and if agreement with affected landowners to lay service ducts over their land can be reached that will enable service and infrastructure provision. At present such an agreement remains under question,

however, the current legal difficulties could not in itself justify refusal of the application as all other policy considerations have been addressed and there is still time left to negotiate agreements if relations between the applicant and the landowners improve. An acoustic fence and a sound banking will be erected along the boundary with the railway to reduce noise levels from the trains affecting residents. Also, conditions have been attached requiring noise and vibration assessments along with any necessary mitigation measures recommended by these assessments. Roads and Transportation Services have not raised any traffic or public safety issues in their consultation response. Adequate parking, turning areas and access can be provided. A condition has been attached requiring approval of measures to facilitate the provision of full fibre broadband. In view of the above, it is considered that the proposal would relate satisfactorily to adjacent development, and the character and amenity of the residential area would not be impaired by reason of traffic generation, parking, visual intrusion or physical impact. The proposal is therefore satisfactory in terms of Policies 5, GBRA1 and DM1 of the adopted Local Plan.

6.10 Policy 14 – Natural and Historic Environment states that the Council will assess all development proposals in terms of their impact on the natural and historic environment, including landscape. The Council will seek to protect important natural and historic sites and features from adverse impacts resulting from development, including cumulative impacts. Category 3 areas include Special Landscape Areas where development which would have a significant adverse impact following the implementation of mitigation measures will only be permitted where the effects are outweighed by significant social or economic benefits. Policy NHE16 – Landscape advises that development proposals within Special Landscape Areas will only be permitted where they can be accommodated without having an unacceptable significant adverse effect on the landscape character, scenic interest and special qualities and features for which the area has been designated. All proposed development should take into account the detailed guidance contained in the South Lanarkshire Landscape Character Assessment 2010. The northern half of the site falls within the Broad Valley Upland landscape type where consolidation of smaller settlement is favoured. No landscape or built heritage features which contributes to landscape quality will be affected and new tree planting will help integrate the development into its setting. The site is visually contained by existing buildings and the railway line. The proposal represents a logical infill development of brownfield land which will consolidate the settlement edge. In considering the above, the proposal complies with policies 14 and NHE16.

6.11 In conclusion, although part of the proposed site is clearly outwith the existing settlement boundary identified within the current adopted local plan, it represents a logical small scale extension to Thankerton Village. The proximity of the site to the adjoining railway line is also noted - an appropriate type of acoustic fence and sound banking along the edge of the affected site boundary will provide adequate mitigation. In view of all of the above, the proposal represents an appropriate form of development for the site and therefore it is recommended that detailed planning permission is granted.

7 Reasons for Decision

7.1 The proposals are acceptable and consistent with Policies 2, 3, 4, 5, 14, DM1, GBRA1, GBRA7 and NHE16 of the adopted South Lanarkshire Local Development Local Plan2 (2021). The proposals are an appropriate form of development on this vacant brownfield land.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 15 September 2021

Previous references

- ◆ CL/04/0696
- ◆ CL/13/0458
- ◆ CL/17/0204

List of background papers

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

- ▶ Consultations
 - Roads Flood Risk Management 12.05.2021
 - Roads Development Management Team 09.04.2021
 - Environmental Services 17.05.2021
 - Scottish Water 17.12.2020
 - Network Rail 19.01.2021
 - Quothquan and Thankerton Community Council 12.01.2021
- ▶ Representations
 - Dated:
 - Laura And Barry Knock, 49B Mill Road, Thankerton, Biggar, South Lanarkshire, ML12 6NY 23.12.2020
 - Chloe Aitcheson, By Email 23.12.2020
 - Christine Stokes, By Email 23.12.2020
 - Alice K Thompson, Received Via E-mail 31.12.2020
 - Peter Forkes, Station Road, Thankerton 24.12.2020
 - Mr John McLean, T, 51 MILL Road, Thankerton, ML12 6NY 25.12.2020
 - Mr Barry Knock, 49b Mill Road, Thankerton, ML12 6NY 22.12.2020
 - Kevin, Received Via Email 04.02.2021
 - Mr John McLean, Thankerton Stores, 12 Demoray Court, Stirling, FK9 5GP 25.12.2020
 - Nikki, Received Via E-mail 29.12.2020
 - Peter William McCarthy, Received Via E-mail 29.12.2020
 - William Charles Cummings, Received Via E-mail 29.12.2020

Michelle Arthur, Thankerton	29.12.2020
Barry Knock, Via Email	30.12.2020
Mrs Michelle Lyon, Sherifflats Road, Thankerton, Biggar, ML12 6PA	07.03.2021
Barry Knock, Received Via Email	07.06.2021

Contact for further information

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

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

Phone: 01698 455174

Email: ian.hamilton@southlanarkshire.gov.uk

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 in writing by the Council as Planning Authority.

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

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

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

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

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

04. That prior to commencement of work on the approved dwellings details of a retaining wall to stabilise the earth embankment along the southern boundary shall be submitted to and approved by the Council as Planning Authority.

Reason: To stabilise an existing embankment and to prevent slippage from the embankment and a neighbouring garden into the site.

05. That prior to commencement of work on the approved dwellings, the mound to be reinstated and the acoustic fence, as detailed on the Block and Location Plans (Dr. no: 01D) shall be constructed and installed and thereafter maintained to the entire satisfaction of the Council as Planning Authority .

Reason: To reduce the impact of railway noise affecting existing and future residents.

06. Prior to the occupation of the dwellinghouses hereby approved, the fencing and walls, including the retaining wall along the southern boundary, for which the permission of the Council as Planning Authority has been obtained under the terms of Conditions 03 & 04, shall be erected and thereafter maintained to the satisfaction of the Council.

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

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 Developer Design Guidance (May 2020) and shall include the following signed appendices: C 'Sustainable Drainage Design Compliance certificate' and E 'Confirmation of Future Maintenance of Sustainable Drainage Apparatus'. The development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved in writing by the Council as Planning Authority.

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

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

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

09. 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.

10. Prior to completion or first occupation of the dwellinghouses hereby approved, whichever is the sooner; full details of a tree planting scheme, in the area shaded green on the Block Plan 01D, shall be submitted to and approved in writing by the Council as Planning Authority. This will include planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times.

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

Reason: To enhance the natural heritage of the area.

11. That the approved tree planting shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the dwelling 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.

12. The applicant shall undertake a noise assessment to determine the impact of railway noise on the proposed development using the principles set out in "Calculation of Railway Noise" (DoT/Welsh Office, HMSO, 1995) or by a method to be agreed by the Planning Authority such as the evaluation of the cumulative levels based on Single Event Levels (SEL). For night time the L_{Amax} shall be provided.

The survey shall take cognisance of the Scottish Government Document: Technical Advice Note Assessment of Noise. The survey shall be submitted to and approved in writing by the Planning Authority and where potential noise disturbance is identified, it shall include a scheme for protecting the proposed dwellings from rail noise. The scheme shall ensure that the internal levels with windows open (or under exceptional circumstances closed) do not exceed an LAeq,16hr of 40dB daytime and an LAeq,8hr of 30dB night-time. The external levels shall not exceed an LAeq,16hr of 50dB daytime in any rear garden areas, when measured free-field.

Reason: To minimise noise disturbance to residents.

13. The approved scheme for the mitigation of noise shall be implemented prior to the development being brought into use and where appropriate, shall be retained in accordance with the approved scheme to the satisfaction of the Council as Planning Authority.

Reason: To minimise noise disturbance to residents.

14. That prior to works commencing on site the applicant shall undertake a vibration survey to determine the vibration dose value for properties within 30 metres of the running track. The applicant shall thereafter submit details of the mitigation measures which will be incorporated into the building to protect future residents against vibration from the rail line. This will include a prediction of the Vibration Dose Values which will affect residents after mitigation measures are installed in the building. A verification vibration survey must be carried out after mitigation measures have been installed to demonstrate their effectiveness.
No dwelling shall be completed or occupied where the applicant cannot demonstrate that there is a low probability of adverse impacts from vibration, as prescribed in the relevant British Standards.

Reason: To minimise vibration disturbance to residents.

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

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

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

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

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

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

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

16. That before the dwellinghouses hereby approved are occupied, a turning space shall be provided within each plot to enable vehicles to enter and leave the application site in forward gears at all times.

Reason: In the interests of traffic and public safety.

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

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

18. 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.

19. 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.

20. 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.

21. Prior to the commencement of work on the approved dwellings, the spoil heaps in the northern corner shall be removed from the site and the original ground levels

reinstated to the satisfaction of the Council as Planning Authority unless otherwise agreed in writing by the Council.

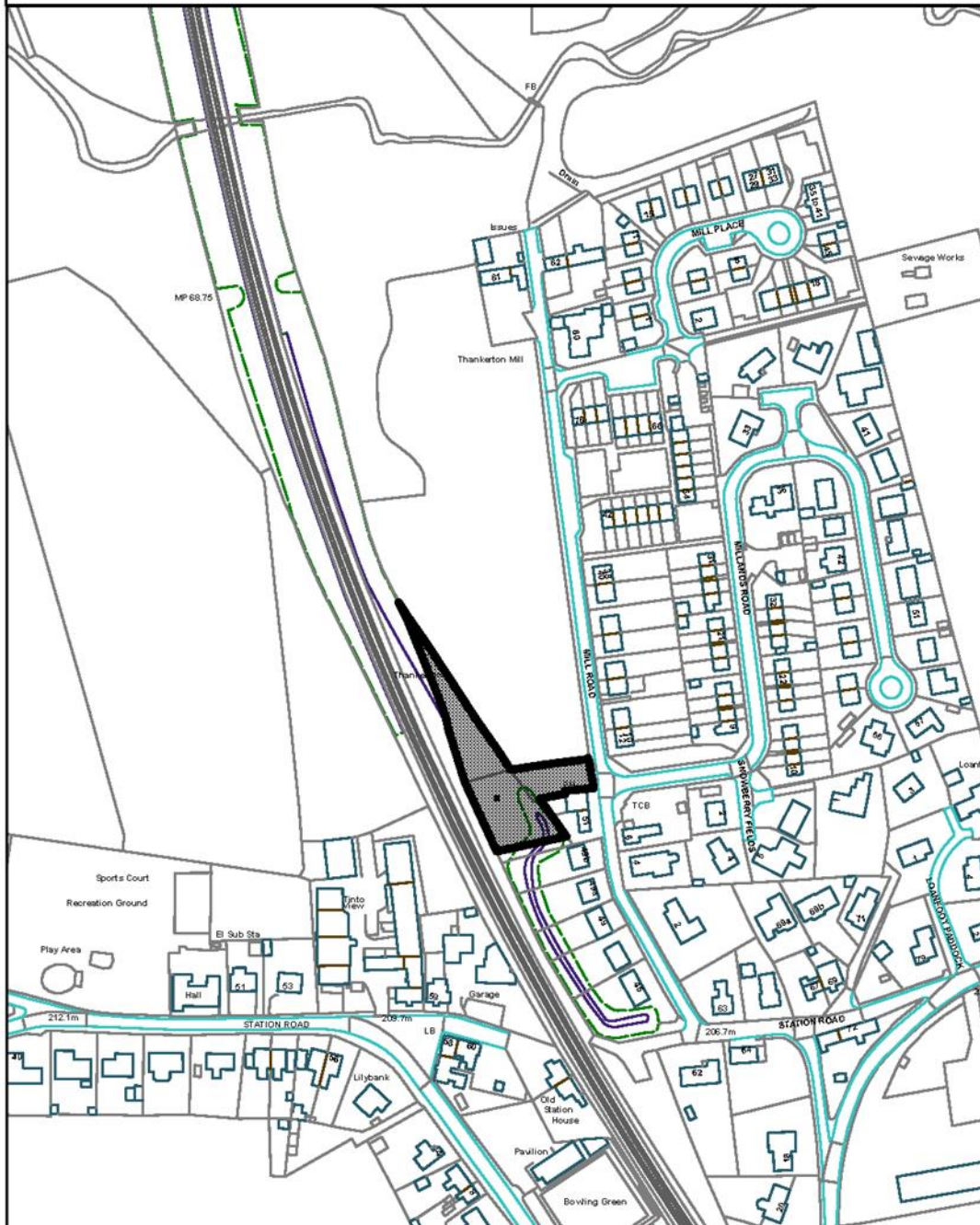
Reason: In the interests of amenity.

22. No construction traffic or plant associated with the approved development shall park in the pub carpark or on the public road.

Reason: To ensure adequate parking is available to the customers of the pub and to prevent any disruption to the flow of traffic along the public road.

P/20/1410

Land 36M West of 53 Mill Road, Mill Road, Thankerton



© Crown copyright and database rights 2019 OS 100020730. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.



Scale:
1:2,500
Date:
10/09/2021



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

4

Report to:	Planning Committee
Date of Meeting:	5 October 2021
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/21/0150
Planning proposal:	Erection of Single Storey House and Outbuilding

1 Summary application information

- Application type: Detailed planning application
- Applicant: Clyde Scouts
- Location: Avondyke Training Centre
Dykehead Road
Stonehouse
Larkhall
ML9 3PD

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: David Dalziel
- ◆ Council Area/Ward: 05 Avondale and Stonehouse
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2**
Policy 2 – Climate Change
Policy 4 – Green belt and rural area
Policy 5 – Development Management
Policy GBRA1 - Rural Design and Development
Policy GBRA5 - Redevelopment of Previously Developed Land Containing Buildings

◆ Representation(s):

- | | | |
|---|-----|-------------------|
| ▶ | 153 | Objection Letters |
| ▶ | 1 | Support Letters |
| ▶ | 1 | Comment Letters |

◆ Consultation(s):

Roads Development Management Team

Environmental Services

Stonehouse Community Council

Planning Application Report

1 Application Site

- 1.1 The application site relates to an area of the previously established Avondyke Scouts camping grounds on Dykehead Road which lies approximately 1km to the east of Stonehouse. The site covers an area of approximately 0.3ha and has an existing access off Dykehead Road. The access slopes up from west to east and flattens out onto the section where a previous scout building was located. This building covered an area of approximately 300 square metres. The main campsite is located to the north of the site, consists of a flat glade surrounded by trees and is currently unused. The nearest dwelling is approximately 50 metres to the south of the site and another to the east is approximately 60 metres away.

2 Proposal(s)

- 2.1 The applicants, Clyde Scouts, are proposing the erection of a single storey dwellinghouse with ancillary garage/outbuilding to the east of the existing camping ground. The house will be sited on the ground left following the removal of the previous scout welfare building. The proposed house will be single storey (a height of approximately 6m) and will cover an area of 250 square metres and will utilise the existing access previously used by the campsite. The proposed dwellinghouse will have 2 bedrooms and will be serviced by 3 parking spaces. The applicants fully intend to continue using the existing campsite and a further application will be submitted for the formation of a new access and other infrastructure/landscaping - which will be necessary to facilitate the operation of the campsite. This further proposed access has been identified by the applicants and is suitable, though it will be subject to formal assessment as part of the further application. The applicants propose to connect to the existing public water supply and propose private drainage/sewerage arrangements.

3 Background

3.1 Local Plan Status

- 3.1.1 The site is located within the green belt and is subject to the following policies in the adopted South Lanarkshire Local Development Plan:

Policy 2 – Climate Change

Policy 4 – Green Belt and Rural Area

Policy 5 – Development Management and Placemaking

Policy GBRA1 - Rural Design and Development

Policy GBRA5 - Redevelopment of Previously

Developed Land Containing Buildings

3.2 Planning Background

- 3.2.1 None

4 Consultation(s)

- 4.1 **Roads and Transportation Services (Development Management)** – no objections given that the proposal is utilising an existing access.

Response: Noted.

- 4.2 **Environmental Services** – no objections.

Response: Noted

4.3 Stonehouse Community Council -

The proposal is contrary to the Spatial Development Strategy and related Spatial Frameworks of the approved Glasgow and the Clyde Valley Strategic Development Plan in terms of its location and development compatibility and therefore it fails to support the Spatial Vision of the Plan.

The proposal is contrary to Policy 3 of the adopted South Lanarkshire Local Development Plan 2015 in that the application has not demonstrated that there is a specific locational requirement and that this could be provided in the settlements outlined in the proposals map. It would also result in development within the designated Green Belt without appropriate justification.

Policy 3.16 States that the aim of the SLLDP is to control development in the green belt and rural area and ensure there is no significant and adverse impact on the environment or on local services and infrastructure. This build would have an adverse impact on the local community amenity in that it removes a training facility that can be used by the local scout troop as well as the Clyde scouts' group.

The proposal does not accord with GBRA1 of LDP2 which requires that "Developments shall be sited in a manner that respects existing built form and local landscape character".

No Physical sizes detailed on the drawing, on a scale listed which indicates must be printed on A3. Too many caveats listed on the drawings which makes it impossible to be clear what needs to be checked. Drawing marked as not to be taken as description of work to be carried out, when does the community get to see the actual final detail. Why does a build need an outbuilding if it already has a large garage? If planning permission is provided, then a condition should be that this cannot be used for residential or business purposes. It is not clear if this is an application for outline planning only with a subsequent application to be made with more detail? Plan does not indicate site of septic tank. Is it only boundary planting or is fencing being erected but not stated? Is not on the footprint of the demolished building.

The applicant is listed as Mr Avondyke, surely this is not permissible. Access is indicated as not being altered; however, this will require to be agreed by the Council's roads department and the application effectively land locks the remainder of the site. No suds arrangements. Application form indicates that it does not create non-residential floor space, but it incorporates an outbuilding so why is this not classed as non-residential. Scottish Water require to be consulted.

Response: The Council is satisfied that the proposal complies with the relevant policies in the local development plan in relation to housing development in the countryside. The proposal relates to a single dwellinghouse on a site which was previously developed. There is an existing access available, and the proposed plot is identified by existing trees and will be supplemented with further planting. In terms of the drawings submitted, the Council were able to ascertain the sizes. The provision of an appropriate water supply and sewerage facilities have been conditioned and Scottish Water do not require to be consulted. In the planning system, the applicant has been confirmed as Clyde Scouts. A condition has been attached to ensure that the garage/outbuilding is ancillary to the use of the house.

5 Representation(s)

5.1 Statutory neighbour notification was undertaken, and the proposal was advertised for non-notification of neighbours. 153 letters of objection have been received together with 1 letter of support and 1 letter of comment. The points raised are summarised as follows:-

- a) **Stonehouse has lost enough over the years. This site was intended for scout / guide camp even for local kids to get the experience of living outdoors, too much greenbelt has been used for houses over the years**

Response: The applicants are looking to retain the campsite; however, this will require an additional planning application. The proposal represents the redevelopment of the site only where the previous scout building was situated. Only one house is proposed.

- b) **The portion of field left to Scouts will be overlooked by a house, have limited access and increased neighbour complaints, as who realistically wants to spend their weekend with children camping on your doorstep.**

Response: A suitable landscaping plan will require to be submitted and approved prior to any development commencing. This will provide a distinct area for the existing camping area.

- (c) **The remaining site has suffered from poor drainage.**

Response: This would need to be addressed by any subsequent application for the existing campsite.

- (d) **The site is green belt, not a gap site for housing.**

Response: The site was previously occupied by a building until very recently. The proposed house is small scale and contained within the area of the previous building, together with an existing access. The proposal will be assessed under the relevant green belt policy and the policy for the redevelopment of previously developed land containing buildings. There is scope within the local development plan to allow for housing in the green belt in certain circumstances.

- (e) **The local community groups are against this proposal including those who raised money for the improvement of the site. The site was to be retained for community use and plans are already in place for a modular building to be sited at the location of the proposed house.**

Response: There is a statutory procedure for groups/individuals to put forward comments. All applications must be determined on their own merits. Any community involvement with the site or alternative proposals is a matter for the applicant. The applicants have confirmed that the proposal will help to cross-fund improvements to the campsite for future use. This will require a separate application.

- (f) **There has been no consultation with the local troop by the Scout Association. The financial gain of selling this site outweighs the cost to replace it.**

Response: This is not a material planning consideration.

- (g) **Roads access will no longer be available to the site. Plans should be put forward for the improved use of the remaining site to be properly retained as a scout campsite with the appropriate infrastructure.**
Response: Noted. Any continued use of the camp site will require the formation of a new access and other works. This is not a matter for consideration of this application, however.
- (h) **Objections to the demolition of the scout hall.**
Response: The scout hall has already been removed. This application is for the erection of a single dwellinghouse in its place.
- (i) **This land has not been designated for housing.**
Response: Noted, however the application is subject to assessment under the green belt/rural area policy and that for the redevelopment of previously developed land. There is scope within the local development plan to allow for housing in the green belt in certain circumstances.
- (j) **The deeds state that the land cannot be sold for the purposes of housing.**
Response: This is not a relevant planning matter.
- (k) **The proposal will ruin the existing landscape.**
Response: The proposed house will occupy the same location as the previous scout hall and will be surrounded by both mature landscaping and additional landscaping to screen it from the new campsite.
- (l) **The proposal does not accord with the Spatial Development Strategy and related Spatial Frameworks of the approved Glasgow and the Clyde Valley Strategic Development Plan in terms of its location and development compatibility and therefore it fails to support the Spatial Vision of the Plan. Furthermore, it does not comply with the relevant policy in terms of the green belt/rural area.**
Response: The proposal is an acceptable type of development within the green belt/rural area. There are specific policies in the local development plan which allow for sensitive housing in the countryside, including those on sites previously developed, such as the application site.
- (m) **The applicant should be required to demonstrate a locational requirement based on a need analysis.**
Response: The application is for a single house and there is scope within the green belt and rural area policies to allow for this.
- (n) **Visibility splays require to be assessed. The Roads service will be required to inspect the road junction on completion.**
Response: Roads and Transportation Services have confirmed they are satisfied with the proposed access.
- (o) **No trees or hedging should be uprooted, and sewerage and water disposal should be fully investigated.**
Response: These matters have been conditioned.

(p) A habitat survey required.

Response: The existing building has already been removed. There is nothing existing on site which can be surveyed. The applicants will be required to alert the appropriate authorities should any protected species be encountered during construction.

(q) No material considerations have been put forward that would justify the grant of consent for the development. In accordance with the requirements of section 25 of the Town and Country Planning (Scotland) Act, the application must be assessed against the development plan. For the reasons noted, this application is contrary to the development plan, and there are no relevant material considerations which justify the grant of permission. In the circumstances the application should be refused.

Response: The proposal complies with the aims of policy GBRA5 of the adopted South Lanarkshire Local Development Plan 2. This matter will be discussed further in section 6.

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

6 Assessment and Conclusions

6.1 The determining issue in this instance is the proposal's compliance with the existing and proposed development plan policy. The proposal relates to the erection of a single storey dwelling, located in the green belt, on ground which was previously occupied by a scout hall to the adjacent campsite. It is the applicant's intention to cross-fund the redevelopment of the campsite for future use by way of this development.

6.2 All applications must be assessed in terms of Climate Change as per Policy 2 in the adopted South Lanarkshire Local Development Plan. The policy requires all proposals to show that they will have no impact in terms of the environment, biodiversity and matters such as flooding. The proposal will utilise and improve an existing area of ground which housed a scout hall. In addition, no trees will require to be removed and additional planting will be installed. It is therefore considered that the proposal complies with Policy 2.

6.3 As the proposal relates to the redevelopment of the previously developed ground in the green belt, policies 3 and GBRA5 are relevant. Policy 4 is relevant to all proposals in the green belt and rural area and states that the aim of the green belt is to direct development to the most appropriate locations whilst protecting and enhancing the character and landscape setting of the settlement. Policy GBRA5 specifically states:

In all cases proposals shall comply with the following criteria:

1. New buildings shall generally occupy the same position on the site as those that are to be replaced.
2. The physical footprint of the new buildings shall not normally exceed that of the existing buildings in terms of floor area, unless it can be shown that there will not be a detrimental landscape impact or that the cost of rehabilitating the site requires the provision of additional units.
3. In exceptional circumstances and within the Rural Area only, new development may extend to the existing physical limit of built development within the site, including any hardstanding areas. However, justification through the submission of a design statement will be required to show why this is necessary.

4. The proposed houses shall be of a number, scale and design appropriate to the landscape setting, and to the services and infrastructure available at the location. The new development shall be in keeping with the main features of the landscape and integrate positively with its surroundings.
 5. The location, siting and design of the new house(s) shall meet existing rural design policy and guidance as set out in Policy GBRA1 and in supporting planning guidance. Generally, the design, appearance and materials of the proposed house(s) shall be complementary to the rural setting of the site and shall respect the character and amenity of the local area. Where appropriate, the Council will require the demolition of the original buildings and the satisfactory remediation of contaminated land prior to work starting on construction of any replacement buildings. A planning condition may be imposed in this respect to control the phasing of the development.
- 6.4 The proposed dwelling is sited on ground previously occupied by a scout hall which was used in conjunction with the adjacent campsite. The proposed house will be situated slightly further forward towards Dykehead Road which will be used as the access for the new house. As required by Policy GBRA1 – Rural Design and Development, a relatively traditional, single storey design will be utilised with the use of traditional materials. A new garage/outbuilding will be sited to the east of the site and its design will complement the proposed house. The new floorspace created by the house and outbuilding will be smaller, by approximately 50sqm, than that which was previously removed.
- 6.5 When assessed against the relevant policies, it is considered that the proposal complies with both policies 4 and GBRA5. This is because the site of a previous building is being utilised, the floorspace is being reduced and an environmental improvement is being achieved. This can be further ensured by the provision of appropriate landscaping species to establish the plot, and this has been conditioned. Permitted development rights have also been removed for the house to ensure there is no piecemeal development which would render the site unattractive.
- 6.6 All applications must also be assessed against Policy 5 – Development Management and Placemaking. The policy requires proposals to avoid a detrimental impact on their surroundings and to ensure character and amenity of the location will be maintained. The proposed house will be approximately 50 metres to the east of the nearest existing dwelling. As a result of this, there should be no detriment to the amenity of neighbouring residents either by loss of privacy or by sunlight/daylight. There is an established and safe access, and the proposal will have appropriate parking provision. The proposal will retain a large area of open space with little or no impact on biodiversity. This will ensure the integrity of the site will be maintained and will prevent overdevelopment. It is therefore considered that the proposal complies with both policies 2, 4, 5, GBRA1 and GBRA5 of the adopted local development plan.
- 6.7 In terms of consultation responses, Roads and Transportation Services have advised they have no objections given that there is an existing access available which was still in use until very recently. In addition, Environmental Services have confirmed they have no objections.
- 6.8 The proposal is acceptable and complies with policies 2, 4, 5, GBRA1 and GBRA5 of the adopted South Lanarkshire Local Development Plan 2.

7 Reasons for Decision

- 7.1 The proposal has no detrimental impact on amenity and complies with policies 2, 4, 5, GBRA1 and GBRA5 of the adopted South Lanarkshire Local Development Plan 2.

Michael McGlynn

Executive Director (Community and Enterprise Resources)

Date: 15 September 2021

Previous references

- ◆ None

List of background papers

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

- ▶ Consultations
 - Roads Development Management Team 17.02.2021
&
13.05.2021
 - Environmental Services 02.03.2021
 - Stonehouse Community Council 22.03.2021

- ▶ Representations Dated:
 - Mrs Catherine Trainer, 57 Burnswynd, Stonehouse, Larkhall, South Lanarkshire, ML93DU 18.02.2021
 - Mrs Elizabeth Plenderleith, 26 Kirk Street, Stonehouse, Larkhall, ML9 3LR 15.02.2021
 - Mrs Elizabeth Jamieson, East & West Watston Farm, Stonehouse, ML93PH 15.02.2021
 - Mr Neil Gemmell, 1 Cot Castle View East, Stonehouse, ML9 3RR 15.02.2021
 - Miss Lynn Atkinson, 10 Overton Park, Strathaven, ML10 6UW 15.02.2021
 - Miss Linda Park, 22 Vaderland Grove, Larkhall, MI9 2fq 15.02.2021
 - Mr Gordon Howson, 18 Chestnut Crescent, Hamilton, ML3 7HD 15.02.2021
 - Miss Yvonne Fisher, 3 Marleyhill Avenue, Stonehouse, MI9 3jb 15.02.2021
 - Miss Stephanie Hammel, 157 Glen Avenue, Larkhall, ML9 1LB 15.02.2021

Mrs Carole Gemmell, 1, Cot Castle View East, Stonehouse, ML9 3RR	15.02.2021
Mr Neil Gemmell, 1, Cot Castle View East, Stonehouse, ML9 3RR	15.02.2021
Miss Gillian Frame, 57A, Drygate Street, Larkhall, ML9 2DA	15.02.2021
Mr Alistair Frame, 19, Mason Street, Larkhall, ML9 2RJ	15.02.2021
Mr Jonathan Grant, 3 Shawgill Court, Law, Carluke, ML8 5SJ	15.02.2021
Mr Neil Rennie, 119, Strathaven Road, Stonehouse, ML9 3JN	15.02.2021
Miss Nicole Cunningham, 9 Manse Road, Stonehouse, ML9 3QP	15.02.2021
Miss Lynsay Rennie, 31 Udstonmill Road, Stonehouse, ML9 3JL	15.02.2021
Mr Andrew Tweed, 27 Ashmore Avenue, Blackwood, Lanark, ML11 9GJ	15.02.2021
Miss Amy Laing, 23 Strathaven Road, Stonehouse, ML9 3en	15.02.2021
Mr Jonathan Roebuck, 2/2 9 Lusmden Street, Glasgow, G38RQ	15.02.2021
Miss Kim Graham, 46 Weavers Way, Stonehouse, ML9 3hn	16.02.2021
Miss Susan Brown, 3 Udston Mill Road, Stonehouse, Stonehouse, Larkhall, ML9 3JL	25.02.2021
Mr David Barr, 29 Burns Wynd, Weavers Court, Stonehouse, ML9 3DU	15.02.2021
Ms Sheona Campbell, 5 Glen View, Stonehouse, Larkhall, ML9 3jh	15.02.2021
Mrs Gail Golder, Redlog, Strathaven Road, Stonehouse, ML9 3NU	15.02.2021
Mrs Leigh Payne, 8 Rock Gardens, Stonehouse, ML9 3RE	15.02.2021
Miss Laura Plenderleith, 44 Marleyhill Avenue, Stonehouse, ML9 3JQ	16.02.2021
Mrs Karen Yates, 9 Abbotsford Avenue, Larkhall, ML9 1HL	16.02.2021
Mrs Hazel Dick, 45 Spinningdale, Stonehouse, ML9 3QS	15.02.2021
Mrs Lisa Murdoch, 2 Sandyvale, Stonehouse, ML9 3RJ	16.02.2021

Ms Faye Cheyne, 90 Cam'Nethan Street, Stonehouse, ML9 3NE	16.02.2021
Mrs Pamela McCahill, 41 Toftcombs Avenue, Stonehouse, ML9 3QY	15.02.2021
Mr David Wilson, 67 Strathaven Road, Stonehouse, ML9 3JP	15.02.2021
Mr Neil Ferguson, 12 Glenburn Avenue, Stonehouse, ML9 3JA	15.02.2021
Mrs Linsey Steele, 31 Toftcombs Cres, Stonehouse, ML9 3RA	15.02.2021
Ms Lisa Thomson, 33 Kirk Street, Larkhall, Stonehouse, ML9 3LR	15.02.2021
Mrs Margaret Allan, Kinrara, Strathaven Road, Stonehouse, ML93NU	15.02.2021
Ms Nancy Luke, 20 Townswell Gardens, Glassford, Strathaven, ML10 6YS	15.02.2021
Miss Cara-Jay Murdoch, 5 Beechwood drive, Stonehouse, Larkhall, ML9 3EY	15.02.2021
Miss Rachelle Waugh, 95 Balfour wynd, Larkhall, ML9 2LT	15.02.2021
Miss Abbie Brown, 20 Mousebank Road, Lanark, ML11 7PE	15.02.2021
Mrs Lorna Dickson, 12 Avon View, Stonehouse, Larkhall, ML9 3JD	19.02.2021
Mrs Anne Thomson, 26, Watt Court, Stonehouse, ML9 3FW	15.02.2021
Mrs Linda Park, 2 Sunderland Avenue, Stonehouse, ML9 3JW	15.02.2021
Mr Tony Rosser, 2, Burnhead Road, Larkhall, ML9 2EH	15.02.2021
Miss Karen Johnston, 7 Todlaw Way, Stonehouse, Larkhall, ML9 3QB	15.02.2021
Mr Calum Roebuck, 3 The Acres, Larkhall, ML9 2BU	15.02.2021
Mr Andy Feeney, 29 Brankston Ave, Stonehouse, ML9 3JE	15.02.2021
Miss Nicole Brown, 15 Angle Street, Stonehouse, Stonehouse, ML9 3LB	15.02.2021
Mrs Janet Wright, 65Gedes Hill, East Kilbride, East Kilbride, G74 3LQ	15.02.2021
Mrs Morag Hamilton, 1 Union Street, Stonehouse, Larkhall, ML9 3LF	15.02.2021

Mrs Marie Jane Banerjee, 53 Berriedale Crescent, Westcraigs, Hamilton, G72 0GA	15.02.2021
Miss Meghan Dunsmore, 53 New Street, Stonehouse, Larkhall, ML9 3LT	16.02.2021
Mr William Ferguson, 4 Caledonian Avenue, Stonehouse, Larkhall, ML9 3EP	16.02.2021
Ms Angela Evans, 63 New Street, Stonehouse, ML9 3LT	16.02.2021
Miss Nicola McBain, 27 Green Street, Stonehouse, ML9 3LW	16.02.2021
Mrs Jennifer Roebuck, 3, The Acres, Larkhall, ML9 2JB	15.02.2021
Mr Peter Gracie, 13 Udston Avenue, Stonehouse, Stonehouse, ML9 3JG	15.02.2021
Miss Jennifer Rowan, 17 Lammermuir Wynd, Larkhall, ML9 1UT	15.02.2021
Mr John Rodger, 157 Murray Drive, ML9 3NJ	15.02.2021
Mrs Lesley Murphy, 58 Mainsacre Drive, Stonehouse, ML9 3QH	15.02.2021
Mrs Alexis Craig, 50 Albert Drive, Larkhall, ML9 2PR	16.02.2021
Mrs Sheila Dunsmore, 53 New Street, Stonehouse, Larkhall, ML9 3LT	17.02.2021
Mr Drew Sharkey, 36 Burns Wynd, Stonehouse, ML9 3DU	15.02.2021
Mrs Lynsey Mclean, 16 camnethan street, Stonehouse, Larkhall, ML9 3NQ	15.02.2021
Mrs Charmaine Scott, 186, Murray Drive, Stonehouse, ML9 3NJ	15.02.2021
Mrs Mary Scanlan, 15 Toftcombs Cresc, Stonehouse, ML9 3RA	15.02.2021
Miss Eilidh Barr, 29 burns wynd, Weavers Court, Stonehouse, ML9 3DU	15.02.2021
Mrs Jennifer Condie, 16 Hill Road, Stonehouse, ML9 3EA	15.02.2021
Mr Brian Philbin, 64 New Street, Stonehouse, ML9 3LT	15.02.2021
Mrs Anne Mair, 25 Strathaven Road, Stonehouse, ML9 3EN	15.02.2021
Mrs Laura Mair, 65 Strathaven Road, Stonehouse, Larkhall, ML9 3JP	15.02.2021

Mrs Sheryl McInnes-Barr, 29 Burns Wynd, Weavers Court, Stonehouse, ML9 3DU	15.02.2021
Miss Donna Ketteringham, 34 St James Court, Kings Lynn, PE30 1EH	17.02.2021
Mr Robert Freel, 75, Lockhart Street Stonehouse, Larkhall, ML9 3LX	22.02.2021
Miss Laura Currie, 35 new street, Stonehouse, Larkhall, ML9 3LT	28.02.2021
Mrs Margaret Smitt, 108Patrickholm avenue, Stonehouse, MI9 3JS	15.02.2021
Miss Julie Reside, 42 St Davids Drive, Airdrie, ML6 9QR	15.02.2021
Mrs Kristin Cheyne, Lynwood, Sidehead Road, Stonehouse, ML9 3ET	15.02.2021
Ms Kirstin Roan, 38 Hill Road, Stonehouse, Larkhall, ML9 3EA	15.02.2021
Mrs Laura Craig, 7 Hill Road, Stonehouse, Stonehouse, ML9 3EA	15.02.2021
Ms Sharon Wood, 65 Mainsacre Drive, Stonehouse, ML9 3QH	15.02.2021
Mrs Claire Meikle, 11 Cot Castle view east, Stonehouse, Larkhall, MI9 3RR	15.02.2021
Mrs Helen Gallacher, 8 Naismith Court, Stonehouse, MI9 3he	15.02.2021
Mrs Grace Frame, 11, Golf Gardens, Larkhall, ML9 2TQ	15.02.2021
Miss Cheryl Lowe, 140 Murray Drive, Stonehouse, ML9 3NH	15.02.2021
Mrs Gillian Cochran, 16 Marleyhill Avenue, Stonehouse, Larkhall, ML9 3jb	15.02.2021
Mrs Gillian Evans, 13 Hill Road, Stonehouse, Larkhall, ML9 3EA	15.02.2021
Mrs sandra Hamilton, 5 sidehead, Holdings, Stonehouse, MI93eu	15.02.2021
Mr Robert Whitecross, 46 union st Union St, Stonehouse, Larkhall, ML9 3LF	15.02.2021
Mr Scott McLaughlin, 1 Broomfield Road, Larkhall, ML9 1PF	18.02.2021
Miss Ashley Laing, 23 Strathaven Rd, Larkhall, ML93EN	15.02.2021
Mr Thomas McIntosh, 7 Pentland Crescent, Larkhall, ML9 1UP	15.02.2021

Mrs Janet Overend, 23 Howe Drive, Blackwood, ML11 9GH	17.02.2021
Mr David Mclean, 16 Camnethan Street, Stonehouse, ML9 3NQ	15.02.2021
Miss Debbie Russell, 56 Brankston Avenue, Stonehouse, ML9 3JF	15.02.2021
Mrs Claire Gilmour, 14 Bankston Avenue, Stonehouse, ML9 3JF	15.02.2021
Mrs Leigh Ann Ferguson, 12 Glenburn Avenue, Stonehouse, ML9 3JA	15.02.2021
Mr John Tait, 10, Townhead Street, Stonehouse, ML9 3EL	15.02.2021
Mr Mark Monie, 72 New Street, Stonehouse, Larkhall, ML9 3LT	15.02.2021
Miss Vicki McGaw, 6 Ramsraig Gardens, Stonehouse, ML9 3QJ	15.02.2021
Mrs Laura Philbin, 64 New Street, Stonehouse, ML9 3LT	15.02.2021
Mrs Anne Taylor, 52 New Street, Stonehouse, ML9 3LT	15.02.2021
Miss Hazel Miller, 121 Strathaven Road, Stonehouse, ML9 3JN	15.02.2021
Miss Shona Burns, 28 Glenburn Avenue, Stonehouse, ML9 3JA	15.02.2021
Mrs Lynne O'Donnell, 15 Portland Park, Hamilton, ML3 7JY	15.02.2021
Mrs Karen Kelly, 1 Sidehead Rd, STONEHOUSE, ML9 3EX	15.02.2021
Mrs Margaret McInnes, 45 Lawrie St, Stonehouse, ML93LN	15.02.2021
Mr Liam Jamieson, Stonehouse, Stonehouse, ML93PH	15.02.2021
Mrs Helen Leitch, 42 Kane place, Stonehouse, Larkhall, ML93nr	16.02.2021
Miss Katy Mair, 157 Murray Drive, Stonehouse, ML9 3nj	15.02.2021
Miss Kirsty Roebuck, 4 Angle Street, Stonehouse, ML9 3lb	15.02.2021
Mrs Stacey Mcskimming, 167 Murray Drive, Stonehouse, ML9 3nj	15.02.2021
Mrs Joan Gavin, 34, Kirk Street, Stonehouse, ML93LR	15.02.2021
Miss Kelly Murray, 20 Cairnsmore Drive, Stonehouse, ML9 3JZ	15.02.2021

Ms Andrea Cooke, 46 UNION STREET, STONEHOUSE, LARKHALL, MI9 3lf	15.02.2021
Mr William Younger, 31 Ravenscliff Road, Motherwell, ML1 1AE	15.02.2021
Mrs Lorna McCreadie, 32 Stanley Gardens, Maddiston, FK2 0LN	15.02.2021
Miss Amy Inglis, 1, Branston Avenue, Stonehouse, MI93je	15.02.2021
Mr William Luke, 5 Camnethan Street, Stonehouse, ML9 3QN	16.02.2021
Mrs Carol Young, 10 Toftcombs Crescent, Stonehouse, ML9 3RA	16.02.2021
Mr Lee Williams, 35 Gairdoch street, Falkirk, Fk2 7sd	15.02.2021
Miss Danielle Bentley, 29 Lanrigg View, Stonehouse, ML9 3HS	16.02.2021
Mrs Mei McQuade, 24 Hill Road, Stonehouse, ML9 3EA	27.02.2021
Miss Yvette Smith, 23 Naismith Court, Stonehouse, Lanarkshire, ML9 3HE	16.02.2021
Mrs Caterina Giaffreda, 5 Wallace Drive, Larkhall, ML9 2TB	15.02.2021
Mr Gordon Inglis, 1, Branston Avenue, Stonehouse, MI93je	17.02.2021
Miss Clare Higgins, 61 Spinningdale, Stonehouse, Larkhall, ML9 3QS	15.02.2021
Mr Douglas Baxter, 41B Camnethan Street, Stonehouse, ML9 3NQ	15.02.2021
Mr Jim Monie, 17 Hill Road, Stonehouse, Larkhall, ML9 3EA	15.02.2021
Mr Cameron Weir, 7 Beechwood Drive, Stonehouse, ML9 3EY	16.02.2021
N/A Stonehouse Community Council, Stonehouse, Stonehouse, ml9 3lx	24.02.2021
Mr Ross Freel, 75 Lockhart Street, Stonehouse, Larkhall, ML9 3LX	15.02.2021
Miss Susan Wilson, 5 Secaurin Avenue, Stonehouse, ML9 3NZ	15.02.2021
Mr Thomas Hamilton, 8 Trongate, Stonehouse, Larkhall, ML9 3LH	15.02.2021

Mrs Linda Laing, 23 Strathaven Rd, STONEHOUSE, LANARKSHIRE, ML9 3EN	15.02.2021
Mr C Roebuck, 3 THE ACRES, LARKHALL, ML9 2JB	15.02.2021
Mr Michael knight, 9 Andy Kelly View, BONNYRIGG, EH19 2PR	15.02.2021
Mr Jon Grant, 3 Gibb Court, Stonehouse, Larkhall, ML9 3GB	15.02.2021
Mrs Beverley Sinclair, 4 MELLOCK CRESCENT, MADDISTON, Madditon falkirk, FK2 0RH	15.02.2021
Mr David Dick, 45 Spinningdale, Stonehouse, ML9 3QS	15.02.2021
Dr Jill Bryson, 44 Union Street, Larkhall, ML93LF	15.02.2021
Mrs Julie Mcauley, 13 Caledonian avenue, Stonehouse, Larkhall, ML9 3ep	15.02.2021
Mr William Kelly, 1 Sidehead Road, Stonehouse, ML93EX	15.02.2021
Mr Peter Ramsay, 32 Angle Street, Stonehouse, Larkhall, ML9 3LB	15.02.2021
Ms Rosalynd Gold, 13 Lowther crescent, Stonehouse, Larkhall, ML93JT	15.02.2021
Mrs elaine davidson, 63, Robert Smillie Crescent, Larkhall, ml9 1lf	15.02.2021
Mrs Lynne MacDonald, 95 Strathaven Road, Stonehouse, ML93jn	06.03.2021
Miss Laura Cook, Stonehouse, Larkhall, ML9 3LU	23.03.2021
Mr Drew Moody, Dykehead Farm, Stonehouse, Larkhall, ML9 3PD	22.04.2021
Mr Angus Moody, 14 Naismith Court, Stonehouse, Larkhall, ML9 3HE	22.04.2021
Mr Lewis MacNeil, 106 Lilac Wynd, Cambuslang, Glasgow, G72 7GJ	22.04.2021
Mrs Elizabeth Moody, Dykehead Farm, Stonehouse, Larkhall, ML9 3PD	22.04.2021
Miss Emerald Moody, 106 Lilac Wynd, Cambuslang, Glasgow, G72 7GJ	22.04.2021
William Cooper, 7 Giffen Place, Strathaven , ML10 6HE	16.08.2021

Contact for further information

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

Iain Morton, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455048

Email: iain.morton@southlanarkshire.gov.uk

Conditions and reasons

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

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

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

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

03. That the landscaping scheme required by condition 2 above shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

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

04. That before 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 in writing by the Council as Planning Authority.

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

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

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

06. 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 5 above, 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.

07. 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 outbuildings or extensions shall be erected within the curtilage of the dwellinghouse hereby approved (other than the proposed garage approved as part of this consent) without the submission of a further planning application to the Council as Planning Authority.

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

08. That before the dwellinghouse hereby approved is occupied, a septic tank and soakaway designed and constructed in accordance with the current code of practice BS6297:1983 shall be provided.

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

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

Reason: To safeguard the residential amenity of the area.

10. That the dwellinghouse hereby approved shall not be occupied until the site is served by a public water connection constructed in accordance with Scottish Water standards and as approved by the Council as Planning Authority in consultation with Scottish Water as Water Authority.

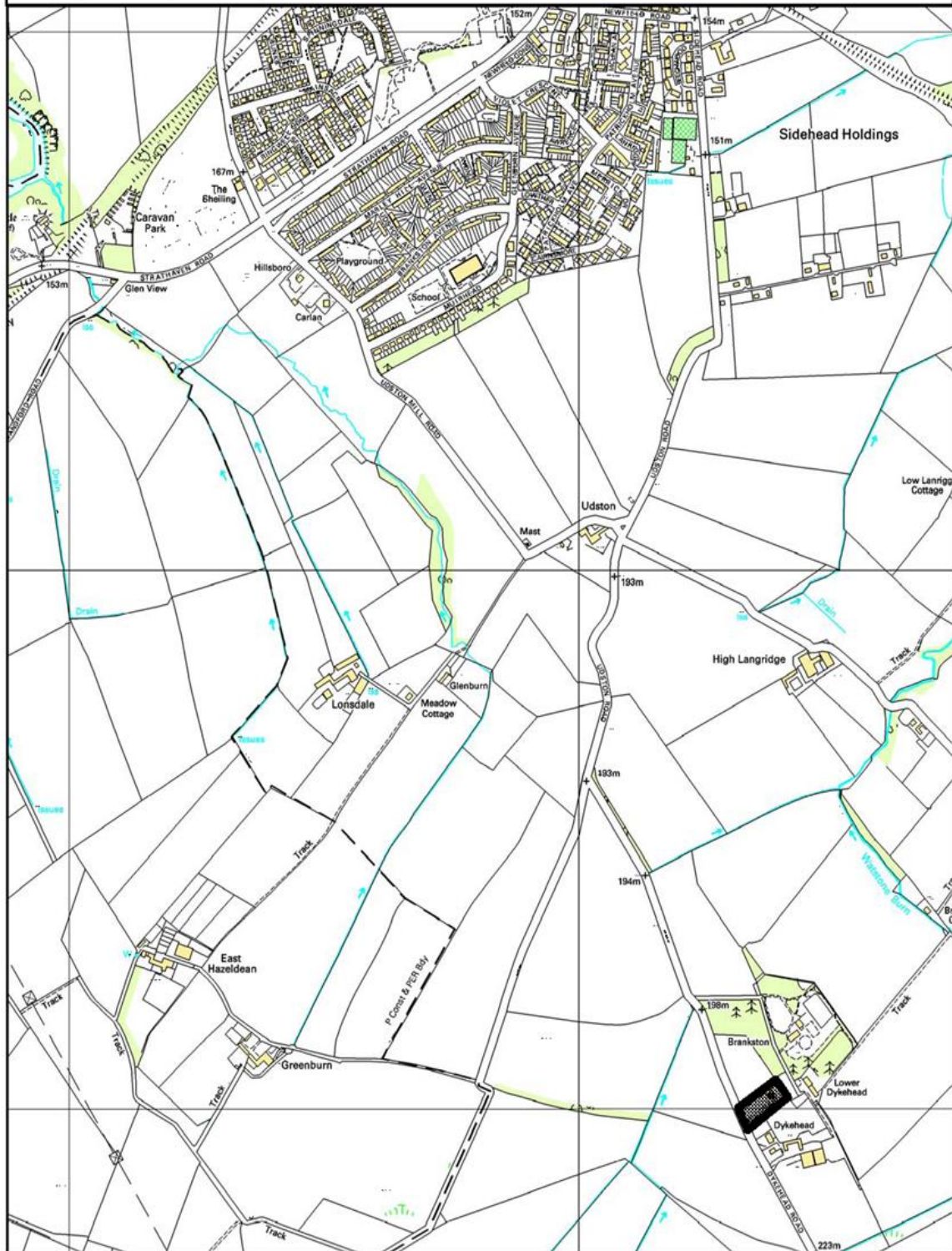
Reason: To ensure the provision of a satisfactory water supply.

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

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

P/21/0150

Avondyke Training Centre, Dykehead Road Stonehouse



© Crown copyright and database rights 2019 OS
100020730. You are permitted to use this data solely
to enable you to respond to, or interact with, the
organisation that provided you with the data. You are
not permitted to copy, sub-licence, distribute or sell
any of this data to third parties in any form.



Scale:
1:10,000
Date:
17/08/2021



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

5

Report to:	Planning Committee
Date of Meeting:	5 October 2021
Report by:	Executive Director (Community and Enterprise Resources)

Application No	P/21/0730
Planning Proposal:	Erection of 52 Houses with Associated Infrastructure including Roads, Drainage, SUDS Pond and Landscaping

1 Summary Application Information

- Application Type: Detailed Planning Application
- Applicant: Robertson Homes
- Location: Site next to Hillcrest
Strathaven Road
Hamilton

2 Recommendation(s)

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

- (1) Grant Detailed Permission - Subject to Conditions (based on the conditions attached).

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application
- (2) If planning consent is granted, the decision notice should be withheld until a Planning Obligation is concluded to ensure the submission of an equitable financial contribution, on an agreed pro-rata basis, in relation to infrastructure and other costs associated with the Hamilton Community Growth Area, namely Roads Infrastructure, Education Provision, Community Facilities and Affordable Housing.

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 contributions 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:
- ◆ Council Area/Ward: 20 Larkhall
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (Adopted)**
 - Policy 1 - Spatial Strategy
 - Policy 5 - Development Management and Place Making
 - Policy 7 - Community Infrastructure Assessment
 - Policy 11 - Housing Land
 - Policy 12 - Affordable Housing
 - Policy 14 - Natural and Historic Environment
 - Policy 15 - Travel and Transport
 - Policy 16 - Water Environment and Flooding
 - Policy SDCC2 - Flood Risk
 - Policy SDCC3 - Sustainable Drainage Systems
 - Policy SDCC4 - Sustainable Transport
 - Policy DM1 - New Development Design
 - Policy DM15 - Water Supply
 - Policy DM16 - Foul Drainage and Sewerage
 - Policy NHE 9 - Protected Species
 - Policy NHE18 - Walking, Cycling and Riding Routes
 - Policy NHE20 - Biodiversity

- ◆ Representation(s):

- ▶ 0 Objection Letter
- ▶ 0 Support Letters
- ▶ 0 Comments Letters

- ◆ Consultation(s):

Roads (Development Management Team)

Roads (Flood Risk Management)

Environmental Services

Countryside and Greenspace

Community and Enterprise Resources – Play Provision

Education Resources

Scottish Water

Planning Application Report

1 Application Site

- 1.1 This application relates to an area of land, measuring 3.2 hectares in area, located on the south eastern side of Strathaven Road, to the south of Hamilton. The site wraps around the former waterworks facility on Strathaven Road, which is the subject of separate applications, by the applicants, for a residential development and associated roundabout (applications HM/17/0089 and HM/17/0090).
- 1.2 The land surrounding the application site is currently agricultural in character, however, a residential property, known as Hillcrest, lies immediately adjacent to the site. It is noted that the application site and parts of the adjoining land, including the former waterworks site, are identified as being part of the Hamilton Community Growth Area (CGA) within the adopted South Lanarkshire Local Development Plan 2 (SLLDP2). These areas will therefore be the subject of future residential development proposals as part of the Hamilton CGA. In this regard it is noted that “Planning in Principle” was granted in May 2017, following the conclusion of the associated planning obligation under Section 75 of the Planning Act, for the development of parts of the designated Hamilton CGA (Application no.: HM/10/0052). In addition, several detailed submissions for residential development have been approved and works have already commenced on site to deliver these proposals at Meikle Earnock Road and Highstonehall Road. It is also expected that applications for further residential development within the Hamilton CGA, within land on the opposite side of Strathaven Road, will soon be lodged with the Council for consideration.
- 1.3 There is no direct access onto Strathaven Road in association with this current application as it is proposed to take access through the proposed development within the adjacent former waterworks facility site.

2 Proposal(s)

- 2.1 Through this current submission, the applicants seek consent for the erection of a residential development, comprising 52 detached units, associated parking, the provision of amenity space and SUDs pond.
- 2.2 The current proposals would in effect be an extension of the proposed development (37 dwellings) within the former waterworks facility site (HM/17/0089 and HM/17/0090). If approved, this would result in an overall residential development, by the applicants, of 91 dwellings at this location. An additional two units could be provided within the waterworks proposals as a result of the relocation of the SUDs pond to within the current application site. As noted above, access to this site would be taken from the proposed new roundabout on Strathaven Road, via the adjacent housing development proposals.
- 2.3 The current proposals have been designed to accommodate linkages into the adjoining land to the north of the site to ensure the future development of these areas as part of the CGA and also address the level changes on site.
- 2.4 In terms of design, the proposed residential properties will be of a modern appearance and comprise detached, two and two and a half storey properties, similar to those proposed for the adjoining site. The various will vary in size and include a mixture of 4, 5 and 6 bedroom properties. All properties will benefit from appropriate off street parking provision with a minimum of three spaces.

- 2.5 It is noted that the application proposals were the subject of Pre-Application Consultation (PAC) in the form of an on-line exhibition in January 2021. A PAC Report has been submitted in support of the application. In addition, the applicants have submitted a Design and Access Statement, Transport Statement, Flood Risk Assessment and Site Investigation Report in support of their application.
- 2.6 It is noted that no consents have yet been issued in respect of HM/17/0089 and HM/17/0090 as these applications are the subject of a legal agreement. However, this matter has been the subject of detailed discussions between the applicants and Council and would be concluded following the determination of this application. As noted at 2.2(2) above, a S75 Obligation would also be required in association with the current application.

3 Background

3.1 Local Plan Policy

- 3.1.1 In determining planning applications the Council must assess the proposals against the policies contained within the adopted South Lanarkshire Local Development Plan 2 (2021) (SLLDP2).
- 3.1.2 In terms of the SLLDP2, the application site is designated as being a Community Growth Area for Hamilton (Policy 1 - Spatial Strategy) and as forming part of the Council's housing land supply (Policy 11 - Housing Land). Residential uses are supported within such sites, subject to compliance with normal development management criteria.
- 3.1.3 A number of other policies within the adopted SLLDP2 are also considered appropriate to the determination of this application, namely, Policy 5 - Development Management and Placemaking, Policy 7 - Community Infrastructure Assessment, Policy 12 - Affordable Housing, Policy 13 - Green Network and Greenspaces, Policy 14 - Natural and Historic Environment, Policy 15 Travel and Transport, Policy 17 - Water Environment and Flooding, Policy SDCC2 - Flood Risk, Policy SDCC3 - Sustainable Drainage Systems, Policy SDCC4 – Sustainable Transport, Policy DM1 – New Development Design, Policy DM15 - Water Supply, Policy DM16 - Foul Drainage and Sewerage, Policy NHE 9 - Protected Species, Policy NHE18 - Walking, Cycling and Riding Routes and NHE20 - Biodiversity. The aim of these policies and guidance is to seek well designed developments which are located in appropriate locations, appropriately serviced and result in no adverse impact.
- 3.1.4 The content of the above policies and how they relate to the proposal is assessed in detail in Section 6 of this report.

3.2 Relevant Government Advice/Policy

- 3.2.1 Scottish Planning Policy (SPP) highlights that the presumption in favour of development does not change the statutory status of the development plan as the starting point for decision-making and advises that proposals that accord with up-to-date plans should be considered acceptable in principle. In terms of residential development, SPP advises that the planning system should enable the development of well designed, energy efficient, good quality housing in sustainable locations.

3.3 Planning Background

- 3.3.1 As stated above, the application site forms part of the designated Hamilton CGA within the adopted SLLDP 2. Planning Permission in Principle was approved in May 2017 for large parts of the Hamilton CGA (HM/10/0052), following the conclusion of the associated planning obligation under Section 75 of the Planning Act, in relation to

infrastructure and other costs associated with the Hamilton Community Growth Area. Several detailed residential developments have been approved within Hamilton CGA and works have commenced on site to deliver these proposals at Meikle Earnock Road and Highstonehall Road (application no.s HM/16/0022, HM/16/0486, HM/17/0047, HM/17/0424, HM/18/0014 and HM/18/0014).

- 3.3.2 As noted above, the adjoining site, to which the current proposals are an extension and over which access would be taken, is the subject of two applications relating to residential development (37 units) of the former waterworks facility (Applications HM/17/0089 and HM/17/0090). These applications were presented to the Planning Committee in 2019 with a recommendation for approval, however, it was also recommended that consent be withheld until the conclusion of an associated legal agreement. Committee agreed with these recommendations. The planning obligation was required to address the submission of financial contributions associated with the delivery of the wider CGA. This matter would be concluded following the determination of this application, should consent be granted, enabling the issue of all relevant consents. It should be noted that agreement has now been reached with the developer concerning the content of the relevant planning obligation.

4 Consultation(s)

- 4.1 **Roads (Development Management Team)** – have advised that, following discussions on the proposed layout and submitted details, a number of technical details require to be addressed. These matters relate to a levels discrepancy with adjacent future development proposals, internal visibility splays and parking standards.

Response: - It is considered that the matters raised can be addressed, in this instance, through the use of appropriately worded conditions and/or informatives attached, where appropriate, to any consent issued.

- 4.2 **Roads (Flood Risk Management)** – have also advised that, following discussions, there remains a number of technical details to be addressed. These matters relate to confirmation of SUDs outflow proposals and SUDs retention.

Response: - Again, it is considered that these matters can be addressed through the use of appropriately worded conditions and/or informatives attached, where appropriate, to any consent issued.

- 4.3 **Environmental Services** – have advised that they have no objections to the proposal subject to conditions and/or informatives relative to the undertaking of a site investigation, remediation of contamination, dust control and noise control.

Response: - Appropriately worded conditions and/or informatives can be added, where appropriate, to any consent issued.

- 4.4 **Countryside and Greenspace Services** – have advised that paths through the site should be constructed for multi-use and should be formed to the boundary to facilitate future connections to such paths. In terms of biodiversity it is noted that developments proposals should accord with relevant policies within the adopted SLLDP2.

Response: - The submitted Design and Access Statement highlights that the proposed layout will enable enhanced connections to the existing core path networks, with the potential to provide future pedestrian connections through future development proposals within the Hamilton CGA. Conditions and/or informatives can be added, where appropriate, to any consent issued to address the matters raised. In terms of biodiversity, it is noted that the applicants have submitted an ecological survey in support of their application.

- 4.5 **Community and Enterprise Resources (Play Provision):** - have confirmed that the proposal is acceptable in principle from a community/play provision perspective. However, any open spaces/play areas provided would not be adopted by the Council for future maintenance and as such private factoring would be required. They also note that there are several community assets within the local area which require investment due to the impact of the development.

Response: - Appropriately worded conditions and/or informatives can be added, where appropriate, to any consent issued in terms of play equipment provision. In terms of the requirement for a financial contribution toward existing facilities it is confirmed that this matter would be the subject of a S75 Obligation in line with the wider Hamilton Community Growth Area contributions.

- 4.6 **Education Resources:** - have advised that a financial contribution towards educational accommodation would be required.

Response: - As noted above this matter would be the subject of a legal agreement in line with the wider Hamilton Community Growth Area contributions.

- 4.7 **Scottish Water:** - have offered no objections to the proposal. However, they have advised that the applicants should complete, and submit to Scottish Water, a Pre-Development Enquiry (PDE) Form and that they will not accept any surface water connection to their combined sewer system.

Response: - An informative can be added to any decision issued to address these comments. The applicant is aware of these requirements.

5 Representation(s)

- 5.1 Statutory Neighbour Notification was undertaken, and the proposals advertised in the local press due to the non-notification of neighbours. No letters of representation were received in response

6 Assessment and Conclusions

- 6.1 The applicants seek permission for the erection of a residential development, comprising 52 units and associated works, on the edge of Hamilton. The proposed development represents an extension of existing planning proposals for the erection of a residential development and roundabout. The principle of which was accepted by the Planning Committee in 2019 through the agreement of the grant of consent, subject to the conclusion of a S75 Obligation. Access to the current application site would be via a proposed new roundabout on Strathaven Road serving the former waterworks site development. If approved, the combined application proposals could result in the provision of 91 residential units within the Hamilton Community Growth Area.

- 6.2 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning applications must be determined in accordance with the development plan unless other material considerations indicate otherwise. The determining issues in consideration of this application therefore are its compliance with national and local plan policy, and other applicable guidance, its impact on amenity and on the local road network. Furthermore, Scottish Planning Policy (SPP) highlights that where a proposal accords with an up-to-date development plan, it should be considered acceptable in principle.

- 6.3 The adopted South Lanarkshire Local Development Plan 2 (SLLDP2) identifies the application site as being within the Hamilton Community Growth Area (Policy 1) and forming part of the Council's housing land supply (Policy 11). It is considered that the proposals take account of wider visions that the Council has in respect of the Hamilton Community Growth Area and retains the ability to integrate well with the future

development of the land surrounding the site, which forms part of the wider scheme. The principle of developing this site for housing is therefore acceptable, subject to compliance with normal development management criteria. The proposed development therefore raises no issues from a land use perspective and can be considered to accord with national planning policy.

- 6.4 The matters considered appropriate, in terms of development management criterion, are set out within Section 3.2.3 above. Principally, the stated policies and guidance seek to ensure that any development does not adversely impact on the amenity of such areas, can be adequately serviced and has been designed in a manner which takes account of appropriate guidance and the area within which it is located.
- 6.5 Having considered the design and layout of the development, it is considered that the scheme is capable of being developed, subject to conditions, without conflict with the general requirements of the applicable policies and guidance. The proposed development meets the main standards set out in the Council's Residential Design Guide, which provides additional advice and sets out the criteria against which new housing development should be assessed, particularly in relation to road layout, house to plot ratios, rear garden depths, open space and car parking provision. In addition, it is noted that the proposed dwellings are of a similar scale and style to those being developed elsewhere within the Hamilton CGA. The proposal therefore raises no concerns in terms of Policies 5 - Development Management and Place Making and DM1 – New Development Design. The layout, design and density of the development are considered to be acceptable.
- 6.6 The site has been assessed in terms of flood risk and drainage and will be developed in accordance with the principles of sustainable urban drainage and is considered acceptable. In addition, foul drainage will be treated in accordance with the specification and requirements of both Scottish Water and the Council's Flood Risk Management guidance. On this basis it is considered that the proposal accords with Policies 16 - Water Environment and Flooding, SDCC 2 - Flood Risk, SDCC 3 - Sustainable Drainage Systems, DM15 - Water Supply and DM16 - Foul Drainage and Sewerage of the SSLDP and supplementary guidance.
- 6.7 In terms of potential impact on the natural environment and protected species (Policies 14 and NHE19), it is considered appropriate to require, prior to any works commencing on site, the undertaking of an assessment of the site, by an appropriately qualified person, in terms of any potential impact on wildlife species and habitats. With regard to biodiversity, Policy NHE20, the applicants have submitted an ecological report in support of the application which notes that the site is of limited ecological value. However, the site has potential to support a range of species which, through appropriate mitigation measures, any impact can be minimised and addressed.
- 6.8 It is noted that the overall site will be integrated into existing and future networks through the provision of crossing points on Strathaven Road and footpath links through the site. In terms of Policy NHE18 - Walking, Cycling and Riding Routes the proposal is therefore considered to raise no issues. With regards to Policy 15 – Travel and Transport and Policy SDCC4 – Sustainable Transport it is noted that an updated Transport Statement (July 2021), to cover the combined proposals for 91 units, was submitted in support of the application. This highlights that the site is accessible to existing and proposed footpath links and is in close proximity to regular bus services, which could be extended to serve the site and wider Community Growth Area. Furthermore, it notes that the impact of the proposed development, in terms of projected vehicular trips, would be limited.

- 6.9 There is a requirement to provide a contribution towards wider requirements associated with the site's designation as part of the Hamilton West Community Growth Area. This is consistent with the requirements of Policy 7 - Community Infrastructure Assessment and these matters would be the subject of a Section 75 Planning Obligation. With regard to the provision of affordable housing, in accordance with Policy 12 - Affordable Housing, land has been allocated within the wider Hamilton CGA area and therefore there is no requirement within the current application site for such provision. However, a financial contribution would be required to assist in the provision of off-site accommodation. This will form part of the Planning Obligation which is the subject of ongoing discussion with the relevant parties. Planning permission would not be issued until the obligation, or other appropriate arrangement has been concluded.
- 6.10 In relation to road safety it is noted that Roads and Transportation Services have offered no objections in this regard. Whilst noting Roads and Transportation Service's comments with regards to the submission of additional details it has been agreed that this can be addressed through the use of conditions attached to any approval given.
- 6.11 In terms of impact on the amenity of the area it is considered that the proposed development has been designed in such a manner that it will not be detrimental to the amenity or privacy of the area or the property immediately adjoining the site.
- 6.12 No objections were received in response to the undertaking of the neighbour notification process or advertisement of the application in the local press. The requirements of the consultees can be addressed using conditions and/or informatives, where appropriate to do so.
- 6.13 In summary, it is considered that the application conforms to both national and local plan policy and that the proposal raises no significant environmental, infrastructure or road safety issues. Furthermore, the proposed works will contribute to the delivery of this part of the Hamilton CGA, which has been identified for residential purposes for over 10 years and will assist the Council in meeting its housing needs.
- 6.14 On the basis of the above assessment, it is recommended that planning permission be granted subject to the conditions listed. However, the issue of consent should be withheld until the conclusion of the associated planning obligation under Section 75 of the Planning Act, or other appropriate legal agreement.

7 Reasons for Decision

- 7.1 The proposal accords with the policies of the South Lanarkshire Local Development Plan 2 (namely Policies 1 - Spatial Strategy, 5 - Development Management and Place Making, 7 - Community Infrastructure Assessment, 11 - Housing Land, 12 - Affordable Housing and Housing Choice, 14 - Natural and Historic Environment, Policy 15 - Travel and Transport, Policy 16 – Water Environment and Flooding, SDCC2 - Flood Risk, SDCC3 - Sustainable Drainage Systems, Policy SDCC4 – Sustainable Transport, DM1 – Design, DM15 - Water Supply, DM16 - Foul Drainage and Sewerage, NHE 9 - Protected Species and NHE18 - Walking, Cycling and Riding Routes).
- 7.2 There are no other material considerations that would justify the refusal of consent.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 24 September 2021

Previous References

- ◆ HM/09/0348
- ◆ HM/10/0052
- ◆ HM/17/0089
- ◆ HM/17/0090

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted)
- ▶ Neighbour Notification, dated 16.07.2021
- ▶ Newspaper Advertisement dated 12.08.2021

▶ Consultations

Roads (Development Management Team)	03/09/2021
Roads (Flood Risk Management)	
Environmental Services	20/07/2021
Countryside and Greenspace	21/07/2021
Community and Enterprise Resources – Play Provision	19/02/2021
Education Resources	07/07/2021
Scottish Water	16/07/2021

▶ Representations

None

Contact for Further Information

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

James Watters, Planning Officer
Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB
Ext 4970 (Tel: 01698 454970)
E-mail: planning@southlanarkshire.gov.uk

CONDITIONS

Conditions and reasons

01. That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.

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

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

Reason - These details have not been submitted or approved.

03. That before any of the dwellinghouses situated on the site upon which a fence, approved under the terms of Condition 2 above, 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 this consent, shall be erected and thereafter maintained to the satisfaction of the Council.

Reason - In order to retain effective planning control.

04. That the open space/landscaping, as relates to the development hereby approved, as detailed on drawing **DWA 95.62.01 Rev.B** shall be laid out simultaneously with the development and shall be completed, and thereafter be maintained and replaced where necessary, to the satisfaction of the Council as Planning Authority.

Reason: In the interests of amenity.

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

Reason - In the interests of amenity.

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

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

07. 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 6 above, shall be completed, and 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

08. 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.

09. 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.

10. That before any work commences on site, a maintenance and management scheme shall be submitted to and approved by the Council as Planning Authority and it shall include proposals for the continuing care, maintenance and protection of: -
- (a) The proposed footpaths;
 - (b) The proposed parking areas;
 - (c) The proposed external lighting provided for the area(s);
 - (d) The proposed play areas;
 - (e) The proposed grassed, planted and landscaped areas;
 - (f) The proposed fences to be erected along the boundaries of the site.

Reason - To safeguard the amenity of the area.

11. That prior to the occupation of any dwellinghouse, hereby approved, the maintenance and management scheme approved under the terms of Condition 12 above shall be in operation.

Reason - To safeguard the amenity of the area.

12. That prior to any works commencing on site, or as otherwise agreed in writing with the Council as Planning Authority, a traffic management plan shall be submitted detailing, staff parking, wheel washing facilities, routing of traffic and phasing of the works. The submitted traffic management plan shall include provisions for the following:

- That any detritus material carried from the site on to the public road network to be cleared by the applicant on a daily basis.
- Ensure the road network immediately adjacent to the site is kept clear of mud and debris, the applicant must ensure a road brush motor is made available throughout.
- The provision of adequate wheel washing facilities to be in operation at all times during any earth moving operations.

- That a "clean zone" should be maintained between the end of the wheel wash facility and the public road.
- A plan showing a turning area within the site, to enable vehicles to access and exit the site in forward gears.
- A plan showing the location and number of spaces for site staff / operatives.

The agreed traffic management plan will be fully operational prior to any works commencing on site, thereafter implemented in accordance with the agreed scheme.

That during the construction period, all roads within the delivery route will be maintained by the applicant or repaired by the Council's Roads & Transportation Services and recharged accordingly

Reason - In the interest of road and public safety.

13. That a continuous 2 metre wide footway should be provided across the full frontage of the development site with Strathaven Road. Prior to works commencing on site, details of which should be submitted to and agreed by the Council as both Roads and Planning Authority and thereafter implemented to the satisfaction of the Council's Roads Services.

Within any submitted scheme appropriate crossing points, incorporating dropped kerbs, should be provided on the proposed and existing footways and bus stops, incorporating shelters, should also be provided in both directions.

Reason - In the interest of road and public safety.

14. That prior to any works commencing on site, or as otherwise agreed in writing with the Council as Planning Authority, the location of proposed bus stop locations shall be agreed with the Council as Planning and Roads Authority. Thereafter the agreed scheme shall be fully implemented, prior to the occupation of any dwelling house hereby approved.

Reason - In the interest of road and public safety.

15. The applicant must meet the costs of promoting and if successful, implementing a Traffic Regulation Order to extend the existing 30mph speed limit on the A723 to the southern boundary of the development (or other appropriate location as identified by Roads & Transportation Services). The implementation should include new gateway signing/features and speed limit countdown signage and road markings.

The development shall be promoted as 20mph speed limit with appropriate signage.

Reason - In the interest of road and public safety.

16. 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, in consultation with Roads (Flood Risk Management Team).

That submitted details will include a drainage strategy detailing arrangements for the capture and treatment of surface water run-off to prevent debris and silts entering the surface water system.

The proposed drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage

Design Criteria and requirements and be supported by a Flood Risk Assessment, which should include an assessment of the existing culvert to the north of the application site. Thereafter all works will be carried out in accordance with the agreed scheme to the satisfaction of the Council as Planning Authority, Roads (Flood Risk Management Team).

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

17. That before development hereby approved is completed or brought into use, the access, via a new roundabout on the A723, shall be implemented on site and completed. The details of which shall be submitted to, and agreed by, the Council as Planning and Roads Authority prior to any works commencing on site, or as otherwise agreed by the Council. Thereafter the works will be carried out in accordance with the agreed works.

Reason - In the interest of public safety.

18. That parking provision for each house type shall be in accordance with the requirements on page 167 of the SCOTS National Roads Development Guide with all private vehicular driveways provided to the following standards:
- i) Driveways should be accessed via a drop kerb.
 - ii) Parking space should be 6 metres by 3 metres. (For a garage to count as a parking space it must be 3 metres (including the entrance) by 7 metres
 - iii) The first 2.0m of this should be of bound or block construction to ensure that loose material is not deposited on to the road.
 - iv) All driveways should be perpendicular to the road with 45 degree splays on either side (over verges).
 - v) The minimum gradient of the driveways should be 1:10.
 - vi) All surface water should be contained, controlled and discharged within the confines of the driveway so that there is no discharge of water onto the footway/road and compliant with SEPA and Scottish Water requirements.

Reason - To ensure the provision of adequate parking facilities to serve the development.

19. That before the development hereby approved commences on site, the applicant shall submit for the written approval of the Roads Authority a plan showing the required visibility splay information as referred to below.
- i) All junctions shall have a 2.4metre x 43metre visibility splay in each direction.
 - ii) All driveways/parking bays onto adoptable roads shall have a 2metre x 20metre visibility splays in each direction within traffic calmed areas; and 2.0metre x 35metre elsewhere.
 - iii) Pedestrian visibility splays of 2.4metres x 2.4metres (measured along heel kerb from both driveway edges) required at all driveways.
 - iv) Forward visibility splays at speed bends shall be 15metres and 35metres at all other locations.
 - v) No driveways/parking areas shall be located within the visibility splays referred to above.

Nothing over 900mm in height, i.e., trees, shrubs, walls etc., is permitted within any of the visibility splays referred to above.

Reason - In the interest of road and public safety.

20. That before the development hereby approved commences on site, the applicant shall submit for the written approval of the Roads Authority a plan showing that:
- i. all areas of carriageway and verge crossings within shared surface/monoblocked areas shall be formed to carriageway construction specially approved by the Council as Roads Authority.
 - ii. areas of asphalt carriageway shall be formed in camber and all shared surface/monoblocked areas shall be formed in crossfall.
 - iii. proposed levels layouts showing any slopes adjacent to the public road at gradients not exceeding 1 in 2 separated from the road/heel kerb edge by 0.5m level berm.
 - iv. The provision of 1metre deep by 1.5metre wide grit bin hard standing areas located to the back of the heel kerb. These areas shall be constructed as per the footway construction. Where the carriageway is constructed as a shared surface the hard standing should be located within the service strip and be a minimum of 2m x 1.5m.

Reason - In the interest of road and public safety.

21. That prior to the commencement of development on site, unless otherwise agreed in writing with the Council as Planning and Roads Authority, the link(s) to future development land to the north of the site, as shown on drawing **SRH-ARC-004 rev H**, shall be fully constructed to the standards and specification of Roads and Transportation Services, so as not to create a possible ransom strip.

Reason - To ensure the future potential for the development of the adjacent land which forms part of the Hamilton Community Growth Area, as designated within the adopted South Lanark shire Local Development Plan

22. That

(a) The applicant shall 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 the advice given in the following:

- (i) Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995);
- (ii) Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11) - issued by DEFRA and the Environment Agency;
- (iii) BS 10175:2001 - 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: To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.

23. That

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

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

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

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

24. That before the development hereby approved commences on site, the applicant shall submit a Road Construction Consent application accompanied by a Stage 2 Road Safety Audit and Designer's Response.

Reason - In the interest of road and public safety.

25. That, unless agreed in writing with the Council as Planning Authority, the development hereby approved shall be undertaken in accordance with the recommendations contained within Section 4 of the submitted Ecological Report (Envirocentre, dated September 2021).

Reason: In order to ensure the protection of the specified species.

26. 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.

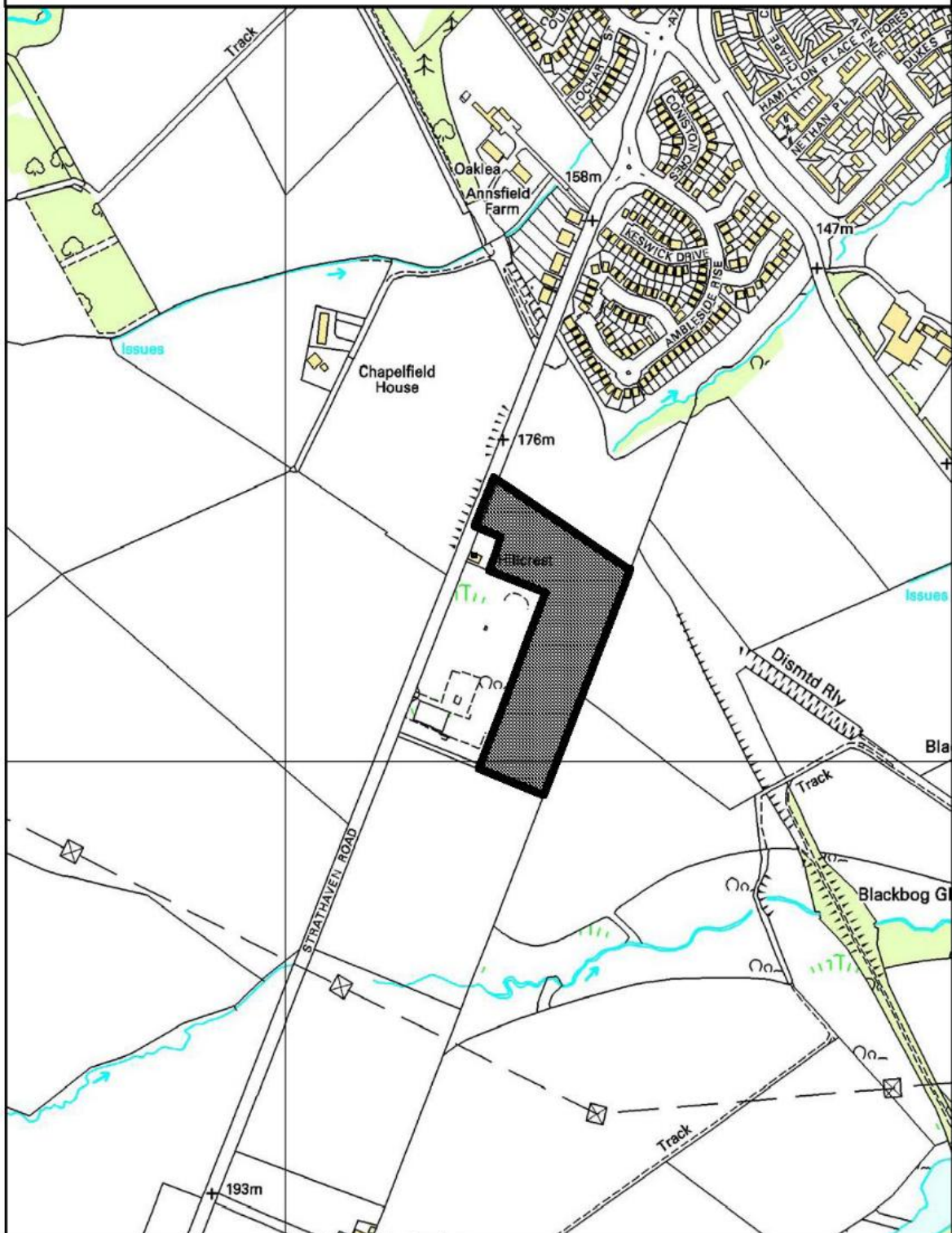
27. That, unless otherwise agreed in writing with the Council as Planning Authority, provision shall be made for electrical charging points within the development for motor vehicles and mobility scooters. Prior to any works commencing on site details of the proposed arrangements shall be submitted, and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

P/21/0730

Site next to Hillcrest, Strathaven Road, Hamilton



© Crown copyright and database rights 2019 OS 100020730. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.



Scale:
1:6,000
Date:
10/09/2021



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

6

Report to:	Planning Committee
Date of Meeting:	5 October 2021
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/20/1777
Planning proposal:	Erection of 2 Storey Dwellinghouse and Associated Works

1 Summary application information

- Application type: Detailed planning application
- Applicant: Mr Saleem Mohammed
- Location: Plot 4
Springbank House
West Mains Road
East Kilbride

2 Recommendation(s)

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

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

2.2 Other actions/notes

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

3 Other information

- ◆ Applicant's Agent: Alan Wilson
- ◆ Council Area/Ward: 08 East Kilbride Central North
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (Adopted 2021)**
Policy 3 - General Urban Areas
Policy 5 - Development Management and Placemaking
Policy DM1 - New Development Design
Policy DM3 - Subdivision of Garden Ground

South Lanarkshire Council Residential
Development Guide (2011)

◆ **Representation(s):**

▶	19	Objection Letters
▶	0	Support Letters
▶	4	Comment Letters

◆ **Consultation(s):**

Arboricultural Services

Roads Flood Risk Management

Roads Development Management Team

Environmental Services

Planning Application Report

1 Application Site

- 1.1 The application site relates to an area of land to the rear of the existing residential property at Springbank House, West Mains Road, East Kilbride. Springbank House, which has its own access off Mitchell Grove, sits within sizeable grounds and is bound to the east, west and south by residential properties. This site, designated as Plot 4, is located to the south of the existing dwelling. Access to the site is via a wide path around the side of the existing dwelling. The main part of the site contains a number of conifer trees however there are also some mature trees along the path to this plot. The curtilage of the proposed dwelling extends to approximately 780 square metres and is located within a residential area as defined in the South Lanarkshire Local Development Plan 2 (Adopted 2021).

2 Proposal(s)

- 2.1 The applicant seeks detailed planning permission for the erection of a two storey dwellinghouse and associated works within the site. The proposal would include the formalisation of a vehicular access around the side of the existing dwelling to serve the proposed dwelling. The proposed dwelling would be two storeys in height comprising of an 'L' shape with a floor area of approximately 180 square metres on each level. This would include a kitchen, lounge, family room, utility and integral double garage on the ground floor, and 5no. bedrooms with associated ensuite facilities on the upper storey. There would be a minimum of three parking spaces provided within the site. The materials proposed would be a mix of render, facing brick, stone cladding and Marley roof tiles.
- 2.2 It is noted that there are three other separate applications currently under consideration for proposed residential plots within the grounds at Springbank House; Plot 1 (P/21/0422), Plot 2 (P/21/0603) and Plot 3 (P/21/0347). These proposed plots are all located to the front of the existing dwelling.

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 Place making and DM1 – New Development Design are relevant. In addition, as the proposal involves the sub-division of garden ground of an existing residential property, Policy DM3 – Sub-division of garden ground is also applicable.

3.2 Relevant Government Advice/Policy

- 3.2.1 None relevant.

3.3 Planning Background

- 3.3.1 Planning permission in Principle for 4no. dwellings was approved by the Council under application number EK/11/0032. This required a reserved matters application to be submitted to agree details of the location of the proposed plots, driveways, house types, materials etc as this detail had not been agreed under the application. However, the application expired without any details having been submitted therefore there is no valid planning permission for the site.

4 Consultation(s)

- 4.1 **Roads Development Management section** – noted that the required visibility splay, parking and turning space for cars has been provided within the site. In addition, noted that the passing place to be formed along the access road indicated on the plans requires to be implemented in compliance with the associated drawing provided. It was further noted that a turning head requires to be provided for an 11 metre rigid service delivery vehicle. This was provided with a swept path analysis which showed that the wheels of the 11 metre length vehicle may overrun the access based on the original red line application site boundary. As such, the applicant has widened the red line application site boundary to include a strip of land at either side of the access and sought permission from the landowner to use this land if necessary. As this land is now within the red line site boundary, the Planning Service are able to require reinstatement of this land should it be necessary.

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

- 4.2 **Roads Flooding section** – no objections subject to the attachment of conditions requiring details of an appropriate sustainable drainage strategy and layout design to cover all development at the Springbank House site as well as maintenance responsibilities to be submitted to and approved by the Council.

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

- 4.3 **Arboricultural Services** – considers the plot suitable for development given the low value of the majority of the trees within this part of the site, however, requests the submission of additional tree information.

Response: This is noted however it is not considered necessary for additional arboriculture information to be submitted given the ratings of the trees within this part of the site.

- 4.4 **Environmental Services** – noted that the proposal needs to be served by a suitable SUDS system, however advised if permission is to be granted then standard conditions and advisory notes should be attached in relation to storage and collection of refuse, construction noise and contamination.

Response: Noted. The SUDS issues have been addressed by Roads Flooding as detailed above. Appropriate conditions and advisory notes can be attached to any consent issued.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken, and the proposal was also advertised in the local press for neighbour notification purposes. Following this, 23 letters of representation have been received, the points of which are summarised below:

a) The proposed dwelling will cause loss of light to the properties at Malcolm Gardens due to its scale and due to the proposed property sitting higher.

Response: The properties at Malcolm Gardens sit directly to the west of the proposed dwelling. It is also noted that the application site sits higher than these properties due to a levels increase. As part of the application assessment, a shadow test was carried out which calculates the projected shadowing as a result of the proposal at different months of the year when the sun is at a higher or lower position. This concluded that there would be a level of shadowing in the morning to some of the properties on Malcolm Gardens, however from mid-morning onwards, the sun would have moved around and Malcolm Gardens would not be overshadowed. As such, it is not considered there will be a significant loss of light to the properties at Malcolm Gardens.

- b) The proposal will result in a loss of value to adjacent properties.**

Response: This is not a valid planning consideration.

- c) There are bats in the trees which are protected by law. In addition, there are rare species of birds that return each year and other forms of wildlife that frequent the area. Appropriate consideration should be given to wildlife.**

Response: It is the responsibility of the applicant and any persons carrying out works to ensure bats are not injured or disturbed and that the appropriate licence is sought from Scottish Natural Heritage (SNH) should any be found on site. However due to the number of trees being removed, a condition has been attached for a bat survey of the trees to be submitted and approved prior to their removal.

- d) The proposed dwelling is too large, not in keeping with the surrounding properties and will result in the loss of privacy.**

Response: Whilst the proposed dwelling is larger than adjacent properties, 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 windows on the side elevations have been considerably placed and the rear facing windows will overlook the garden for the proposed dwelling. Furthermore, as the proposal complies with the requirements of the Council's Residential Development Guide, the proposal is considered to be acceptable.

- e) The loss of the trees will result in a loss of privacy, loss of a tranquil setting and increased noise for surrounding properties.**

Response: It is noted that the loss of the trees at Plot 4 will result in a significant change of outlook for the surrounding properties, however, this in itself is not a valid reason for refusal of the application. As noted above, it is considered that the proposed dwelling has been designed to carefully position windows to ensure no loss of privacy to adjacent properties. In addition, the applicant intends to carry out planting along the boundaries of the property. In terms of noise, the Council's Environmental Services were consulted and have offered no objections on noise grounds.

- f) The application should be put on hold until a public meeting can be held to discuss the plans.**

Response: This is not a valid reason for refusal of the application.

- g) The proposal is three storeys in height and not two storeys as stated in the description. There is the possibility this property will be enlarged in the future.**

Response: The proposed dwelling is considered to be two storeys in height. As with many dwellings, the roof space is of a height that it could be converted in the future should the applicant wish to do so. This is not a valid reason for refusal of the application.

- h) This proposal will result in construction noise and disturbance to residents for a significant period of time.**

Response: It is inevitable there would be a level of disruption throughout the duration of the construction, however this would be for a limited period of time. As such, this is not sufficient justification for refusal of the application.

- i) **The proposed dwelling contains a large number of rooms suggesting a large number of persons will reside at the property creating significant noise pollution for adjacent properties.**

Response: This is not a valid reason for refusal of the application.

- j) **This development may upset existing tree roots once works commence which could cause others to become unstable.**

Response: This is noted, however should permission be granted, a condition would be attached to ensure that all existing trees being retained are protected in accordance with methods set out in BS5837/2012 during and until completion of all site operations and building works.

- k) **Access to Springbank House is across a public footpath. Additional properties within these grounds will increase the volume of traffic crossing the footpath which is dangerous to pedestrians. It will also increase the volume of traffic onto West Mains Road. A traffic impact assessment should be submitted.**

Response: The Council's Roads and Transportation Service have been consulted and have raised no road safety objections in this regard. There is no requirement for a Traffic Impact Assessment for an application of this scale.

- l) **The proposal requires a vehicular access to be formed behind the properties at Malcolm Gardens which will lead to pollution and noise disruption.**

Response: It is noted that at present there is an informal access around the side of the property leading to where Plot 4 would be located. This application would see this access upgraded with the removal of some trees, to allow a suitable vehicular access. Whilst this will create a new vehicular access, it is only to serve one property, therefore it is not considered it will have a significant adverse impact on adjacent properties in terms of noise or pollution.

- m) **The plans do not accurately represent the height of the existing properties at Malcolm Gardens.**

Response: The street elevation submitted is for indicative purposes only to give an indication of the proposed dwelling in relation to its surroundings.

- n) **Planning permission was previously refused to build within the grounds of Springbank House.**

Response: It is noted that planning permission was granted for Permission in Principle for 4 plots at the site in 2011. However, the detailed information required to progress this proposal was never submitted and as such the application expired.

- o) **The access road into the site cannot accommodate delivery vehicles, therefore, how will construction traffic get into the site.**

Response: The applicant has provided a swept path analysis detailing how vehicles would enter and exit the site, including a turning space. As such, Roads and Transportation Services have confirmed their satisfaction with this detail.

- p) **This proposal will result in a large number of bins obstructing the footpath at the entrance to the site at Mitchell Grove on bin collection day. This is a hazard for pedestrians. A refuse lorry therefore must be able to access the site.**

Response: The Council's Roads and Transportation Services and Environmental Services have both offered no objections in this regard. There is no requirement or plans for a refuse lorry to enter the site.

- q) **The plans have been revised making the property larger and moving it closer to Malcolm Gardens.**

Response: The revised plans show a reduced size of dwelling in terms of floor area, a reduction in height on the eastern side of the property and a reduction in roof pitch. It is noted that the dwelling has been repositioned approximately 1 metre closer to the boundary with Malcolm Gardens to reduce the shadowing impact on the properties at Mitchell Grove, however there would still be approximately 4.2 metres between the proposed dwelling and the boundary with Malcolm Gardens which is considered acceptable.

- r) **It is unethical of the property owner to sell this land without planning permission.**

Response: This is not a valid planning consideration.

- s) **Where will any new fencing be erected?**

Response: Should permission be granted, any consent issued will include a condition for details of any proposed fencing and walls to be erected on site to be submitted and approved prior to works commencing on site.

- t) **Is the drainage and water infrastructure suitable to cope with this development?**

Response: The Council's Roads Flooding section have been consulted and raised no objection subject to the attachment of conditions requiring the provision of an overarching sustainable drainage strategy and layout design as well as maintenance responsibilities. As such, appropriate conditions can be attached.

- u) **The property at 32 Mitchell Grove will be significantly shaded as a result of this proposal. At present the excessive height of the trees creates substantial shading throughout the year. The objector has incurred costs trying to mitigate this by raising the canopy of the bordering trees therefore this proposal will undermine these efforts making the shading situation worse.**

Response: As noted above, a shadow test was carried out in respect of this proposal. This showed that there would be a level of shadowing to this property in the late afternoon as a result of the proposal. However, it is also clear that the existing trees currently cause significant shadowing issues for this and adjacent properties, therefore in this case, it would be unreasonable for the Planning Service to recommend refusal of the application on the basis of shadowing. As such, the Planning Service requested the applicant reduce the height of the roof at this side of the building as well as moving the building at least 1 metre further from the boundary with Mitchell Grove. These amendments were carried out and the applicant also chose to reduce the angle of the roof to lessen impact on the adjacent properties. As there is at least 4 metres from the proposed dwelling to the boundary with these properties and being mindful of the existing shadowing situation, this is considered to be a reasonable design solution.

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

6 Assessment and Conclusions

6.1 The applicant seeks detailed planning permission for the erection of a two storey dwellinghouse and associated works at Plot 4, Springbank House, East Kilbride. The determining issues in the assessment of this application are compliance with local plan policy, its impact on the amenity of the adjacent properties and road safety matters.

- 6.2 As noted above, the application site and associated proposal is affected by Policy 3 - General Urban Areas which advises that within residential areas, development will not be permitted if it is detrimental to the amenity of residents in terms of visual impact, noise, smell, air pollution, disturbance, traffic or public safety. Policy 5 – Development Management and Placemaking advises that to ensure development takes account of the principles of sustainable development, all proposals require to be well designed and integrated with the local area. Proposals should have no significant adverse impacts on the local community and the environment. Where appropriate, proposals should include measures to enhance the environment. Policy DM1 – New Development Design requires new development to promote quality and sustainability in its design and layout and should enhance or make a positive contribution to the character and appearance of the urban or rural environment in which it is located.
- 6.3 Furthermore, as this proposal involves development within the grounds of an existing residential property, Policy DM3 – Sub-division of garden ground is also relevant. This policy advises that development of this nature may be considered favourably where it meets the following criteria:
- ◆ The proposed dwelling is of a scale, massing, design and material sympathetic to the character and pattern of development in the area and does not result in a development that appears cramped, visually obtrusive or is of an appearance which is out of keeping with the established character of the area
 - ◆ The proposed house plot and that remaining to the existing house plot are comparable with those nearby in terms of size, shape and amenity and accords with the established pattern of development in the surrounding area
 - ◆ The proposed house plot should have a proper road frontage of comparable size and form to surrounding curtilages unless the proposal reflects the development pattern in the area
 - ◆ The proposed vehicular access is of an adequate standard and will not have adverse implications for traffic safety or adversely affect the amenity of adjacent properties by virtue of noise or loss of privacy
 - ◆ The garden space allocated to the proposed house and that remaining for the existing house should be sufficient for recreational and amenity needs of the occupants
 - ◆ The proposed development will not cause an unacceptable reduction in privacy to existing houses and will, itself, enjoy a level of privacy comparable with surrounding dwellings
 - ◆ The proposed development will not overshadow adjacent properties to a degree which results in a significant loss of amenity for residents or is significantly adversely affected by overshadowing
 - ◆ All existing features such as trees, hedges, walls, fences and buildings that contribute to the character of the area should be retained and should not be adversely affected by the development
 - ◆ Adequate parking for both the proposed and existing dwellings must be provided within the site and must not be harmful to the established character and amenity of the area
 - ◆ The proposal must not jeopardise or be prejudicial to any future development proposals in the vicinity

- 6.4 In terms of the above policies and the Councils Residential Development Guide, the application site falls within a residential zoning therefore the principle of a residential plot at this site is acceptable. In terms of the layout, scale and materials, the property is larger than the surrounding properties, however it is considered to be of a sufficient distance from these properties to minimise impact and will be finished in materials to integrate with the surrounding area. However, should permission be granted, a condition will be attached for samples of all materials to be submitted and approved. The proposed dwelling is two storeys in height and sits higher than the adjacent properties, however, it is not considered to be of a scale where it will over-dominate these properties given the distance from boundaries at either side. In terms of privacy, the property has been designed with minimal side facing windows to ensure no overlooking of adjacent properties. Whilst there is substantial glazing on the rear (south) facing elevation of the proposal, this will overlook the garden for the property. It is noted there is a proposed balcony on the upper level, however this will be enclosed at either side to prevent overlooking. As the proposal is a substantial distance from the existing dwelling at Springbank House and some screening will still be retained between both properties, it is considered the proposal will have no adverse impact on the existing property either.
- 6.5 In terms of potential overshadowing, it has to be acknowledged that, at present, the existing conifer trees within Plot 4 are densely planted with an average height of 18 metres. As such, it is considered the trees currently have an impact on the amenity of existing properties by virtue of their height, mass and proximity to boundaries. Whilst the removal of the trees within this plot and the erection of a dwelling on the site will ultimately provide a different outlook for adjacent properties, it is considered that alterations to the dwelling provided by the applicant, namely the reduction of the east facing elevation to a storey and a half, the reduction in the angle of the roof and the repositioning of the dwelling approximately 1 metre to the west, provides a reasonable design solution to allow maximum lighting to existing properties on both sides. As such, and being mindful of the existing situation on site, it is not considered that the proposed dwelling will result in a worsened shadowing situation for these properties than there is at present.
- 6.6 The proposal also includes the provision of a large private rear garden for the benefit of the property whilst still allowing a sizeable garden for the existing dwelling at Springbank House. It is noted from the plans that it is the applicant's intention to plant around the boundaries of the plot, therefore any consent issued would include a condition for landscaping details to be submitted. Whilst the dwelling does not have a road frontage similar to adjacent properties, the layout of the Springbank House site lends itself to a vehicular access being formalised along the western boundary of the site given that it's currently an informal access. As this new access is for the benefit of one residential property, it is considered acceptable in this instance.
- 6.7 The Council's Roads Development Management section were consulted as part of this application and advised that the required visibility splay, parking and turning space for cars has been provided. As part of the assessment of the proposal it was noted that the existing access leading into Springbank House would require the implementation of a passing space to cope with the additional traffic using the access. As such, Roads requires this to be implemented in compliance with the associated engineering drawing provided. In addition, it was also noted that a turning head needs to be provided for an 11-metre-long rigid service delivery vehicle and that details showing this size of delivery/construction vehicle can be accommodated within the application site boundary. The swept path analysis provided indicated that there was a possibility the wheels of the 11 metre length vehicle would overrun the access. Consequently, the

applicant has widened the red line application site boundary to include a strip of land at either side of the existing access and sought permission from the landowner to use this land should it be necessary. Roads are satisfied with this and that appropriate conditions can be attached to ensure suitable access and egress from the site. The Council's Roads Flooding section also provided comments requiring the provision of an overarching sustainable drainage strategy and layout design as well as maintenance responsibilities. Environmental Services also requested details of the storage and uplift of refuse be submitted and that advisory notes in relation to noise and contamination be attached should consent be issued. As such, appropriate conditions can be attached.

- 6.8 As detailed above, the statutory neighbour notification process was carried out and the application advertised in the local press. Nineteen letters of objection and four letters of comments were received, the points of which are summarised in section 5 above. However, following consideration of the points raised, it is not considered they merit refusal of the application.
- 6.9 In conclusion, it is considered that the proposal complies with the relevant local plan policies and supplementary guidance, and it is therefore recommended that planning permission is granted subject to the attached conditions.

7 Reasons for Decision

- 7.1 The proposal has no adverse impact on amenity and complies with Policies 3, 5, DM1 and DM3 of the Adopted South Lanarkshire Local Development Plan 2 (2021).

Michael McGlynn
Executive Director (Community and Enterprise Resources)

15 September 2021

Previous references

- ◆ None

List of background papers

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

- ▶ Consultations

Arboricultural Services	15.03.2021
Roads Flood Risk Management	
Roads Development Management Team	21.01.2021
Environmental Services	25.01.2021

- ▶ Representations

Rebecca Quigley, 26 Malcolm Gardens, East Kilbride	17.05.2021
Gerry Docherty, 4 Mitchell Court, East Kilbride, Glasgow, South Lanarkshire, G74 1QY	29.04.2021

Jacqueline Gill, 34 Malcolm Gardens, East Kilbride, Glasgow, South Lanarkshire, G74 1QX	12.01.2021
Mr & Mrs J G Knox, 4 Mitchell Grove, East Kilbride, Glasgow, South Lanarkshire, G74 1QZ	23.02.2021
Lynsey And Robert Gonzales, 28 Mitchell Grove, East Kilbride, Glasgow, South Lanarkshire, G74 1QZ	14.01.2021
Graham Green, 32 Mitchell Grove, East Kilbride, G74 1QZ	19.02.2021
Mrs Jeanette McLelland, 30 Malcolm Gardens, East Kilbride, G74 1QX	11.01.2021
Emma Gibson, 42 Malcolm Gardens, East Kilbride, Glasgow, South Lanarkshire, G74 1QX	22.01.2021
Mr And Mrs C Shaw, 34 Mitchell Grove, East Kilbride, Glasgow, South Lanarkshire, G74 1QZ	21.01.2021
Mr Andrew Paterson, 11 Mitchell Court, East Kilbride, G741QY	20.01.2021
Mr Graham Green, 32 Mitchell Grove, Westgate, East Kilbride, G74 1QZ	14.01.2021
Mr WILLIAM MCDONALD, 30, MITCHELL GROVE, EAST KILBRIDE, G74 1QZ	11.01.2021
Joe Allan, 94 Franklin Place, Westwood, East Kilbride, G75 8LS	21.01.2021
Miss R J Quigley, Via Email	20.01.2021
Jacqueline Gill, Received Via Email	26.04.2021
Mr & Mrs J G Knox, 4 Mitchell Grove, East Kilbride, Glasgow, South Lanarkshire, G74 1QZ	23.04.2021
Mrs Jeanette McLelland, 30 Malcolm Gardens, East Kilbride, Glasgow, South Lanarkshire, G74 1QX	23.04.2021
Mrs Jeanette McLelland, 30 Malcolm Gardens, East Kilbride, G74 1QX	23.04.2021
Lynsey & Robert Gonzales, 28 Malcolm Gardens, East Kilbride, Glasgow, South Lanarkshire, G74 1QX	23.04.2021
Rebecca Quigley, 26 Malcom Gardens, East Kilbride	19.08.2021
Miss Emma Gibson, 42 Malcolm Gardens, East Kilbride	19.08.2021
Ms Jacqueline Gill, 34 Malcolm Gardens, East Kilbride	27.08.2021

Contact for further information

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

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

Phone: 01698 455046

Email: julie.pepper@southlanarkshire.gov.uk

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 in writing by the Council as Planning Authority.

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

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

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

03. That 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 2, shall be erected and thereafter maintained to the satisfaction of the Council.

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

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

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

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

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

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

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

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

Reason: To safeguard the residential amenity of the area.

08. That no development shall commence until details of surface water drainage arrangements (including provision of an overarching drainage design layout including maintenance responsibilities) have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and requirements (Appendices A, B, C, D & E). 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.

09. Prior to works commencing on site, a CCTV survey of the downstream section of the pipe of the surface water sewer this development is to be connected to shall be submitted to and approved in writing by the Council as Roads Flooding and Planning Authority.

Reason: To demonstrate the suitability for connection in terms of capacity, structural integrity and tree root ingress.

10. That all trees to be retained within the site shall be fully protected during the period of construction and prior to any work commencing on the site, written details specifying the nature of such measures shall be submitted to and approved by the Council as Planning Authority. Existing trees to be retained must be protected in accordance with methods as set out in BS5837/2012 during and until completion of all site operations and building works.

Reason: To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.

11. That all recommendations of the Tree Survey Report by ROAVR Environmental, in relation to Plot 4, shall be carried out to the satisfaction of the Council prior to works commencing on site. Thereafter the management of trees across the application site shall comply with this document to the satisfaction of the Council as Planning Authority.

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

12. That before the development hereby approved is completed or brought into use, a passing place, as indicated on drawing no. 21078-100-100 shall be implemented and thereafter maintained to the satisfaction of the Council as Roads and Planning Authority.

Reason: In the interests of traffic safety.

13. That before works commence on site, details of a turning head for an 11 metre rigid service delivery vehicle to turn shall be submitted to and approved in writing by the Council and thereafter implemented and maintained to the satisfaction of the Council as Roads and Planning Authority.

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

14. That before works commence on site, full details including elevations and sections, of the proposed electric gates to be installed at the start of the access for this plot shall be submitted to and approved in writing by the Council, and thereafter implemented and maintained to the satisfaction of the Council as Roads and Planning Authority.

Reason: These details have not been submitted or approved.

15. That before any tree works commence on site, a bat survey of the trees to be removed, shall be carried out by a qualified ecologist, and the findings submitted to and approved in writing by the Council as Planning Authority. Thereafter any recommendations of the survey shall be implemented throughout the construction process.

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

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

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

P/20/1777

Plot 4, Springbank House, West Mains Road, East Kilbride



© Crown copyright and database rights 2019 OS 100020730. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.



Scale:
1:2,500
Date:
14/05/2021



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

Report to:	Planning Committee
Date of Meeting:	5 October 2021
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/21/0849
Planning proposal:	Change of Use of Former Horticultural Site to an Eco Storage Facility and the Erection of Building, Storage of Materials, Parking and Alterations to Access (Retrospective)

1 Summary application information

- Application type: Detailed planning application
- Applicant: Pro-Cast Group
- Location: Hapenton Nursery
290 Strathaven Road
Limekilnburn
Hamilton
ML3 7XW

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: Framed Estates
- ◆ Council Area/Ward: 18 Hamilton West and Earnock
- ◆ 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 Place Making
Policy 8 – Employment
Policy SDCC3 – Sustainable Drainage Systems
Policy GBRA1 – Rural Design and Development

Policy GBRA2 – Business Proposals within the
Green Belt and Rural Area
Policy DM15 – Water Supply
Policy DM16 – Foul Drainage/Sewerage Provision

◆ **Representation(s):**

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

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Scottish Water

Countryside and Greenspace

West of Scotland Archaeology Service

Planning Application Report

1 Application Site

- 1.1 The application site comprises a rectangular area of ground (0.7 hectares in area) located on the western side Strathaven Road, to the south of Hamilton and close to the settlement of Limekilnburn. Given its location, the surrounding area is predominately agricultural in character.
- 1.2 The site was previously used in connection with a horticultural operation, including an office building and has direct access on to Strathaven Road. The site is well screened with a landscaped bund and tree planting around part of its perimeter.

2 Proposal(s)

- 2.1 The applicants seek retrospective planning permission for the “Change of use of former horticultural site to an Eco storage facility and the erection of building, storage of materials, parking and alterations to access”. It is noted that work has commenced on the erection of the warehouse buildings.
- 2.2 The proposals would entail the re-use of the existing packing building on site as office accommodation, the erection of a new storage building (biomass fuels, bagged products and equipment), creation of car parking (12 spaces which would include 2 disabled and 2 AV charging point bays) and landscaping.
- 2.3 A Planning Statement has been submitted in support of the application proposals. It notes that the site would be used as a Renewables and Eco facility operated by the Procast Energy Services which are part of the Procast Group. Furthermore it provides the following information:
 - The company is an established business in South Lanarkshire, based in Strathaven, with 70 staff members based there.
 - A new specialist division of the business would be based at this location on Strathaven Road.
 - Their primary aim is retaining their operations within a close geographical area, to support local employment.
 - 23 new jobs would be created, accommodated between existing premises in Strathaven and this site.
 - It details the site selection process that was undertaken and highlights that the applicants, to support their growth and their commitment to the local area and existing staff, sought a suitable location that was in close proximity to their Strathaven Office. The report highlights that sites both within South Lanarkshire and the wider Glasgow area were considered.
 - Confirms that there will be no retail activity within the site.

3 Background

3.1 National Policy

- 3.1.1 Scottish Planning Policy advises that the planning system is about where development should happen, where it should not and how it would interact with its surroundings. Proposals should, inter alia, take a positive approach to sustainable and high-quality development and make efficient use of land to deliver long-term benefits for the public whilst protecting and enhancing natural and cultural resources and the wider environment. The planning system should, in all rural areas, promote a pattern of development that is appropriate to the character of that particular area, encourage

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

3.2 Local Plan Status

- 3.2.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that 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) 2021.
- 3.2.2 The proposed development is not a strategic matter as defined in Schedule 14 of the strategic development plan and therefore no policies in the GCVSDP apply to the proposals.
- 3.2.3 SLLDP2 was formally adopted on 9 April 2021. In terms of the SLLDP2, the site lies within an area designated as Green Belt (Policy 4 Green Belt and Rural Area applies). In addition to this land use designation, Policy 1 – Spatial Strategy, Policy 2 – Climate Change, Policy 5 – Development Management and Place Making, Policy 8 – Employment, Policy SDCC3 – Sustainable Drainage Systems, Policy GBRA1 – Rural Design and Development, Policy GBRA2 – Business Proposals with the Green Belt and Rural Area, Policy DM15 – Water Supply and Policy DM16 – Foul Drainage/Sewerage Provision are of relevance to the determination of this application.

3.3 Planning Background

- 3.3.1 In terms of relevant planning history, it is noted that planning permission was granted in April 2012 for the establishment of the horticultural business at this location (Application no.: HM/12/0155). Following this consent, the site was the subject of an enforcement investigation (ENF/HM/15/0030) in relation to the conversion of a packing shed to a dwellinghouse without approval and the use of the site for purposes not connected to the horticultural business. As a result of this investigation, it became apparent that the site was no longer being used as a horticultural business. A subsequent application for the erection of a residential chalet was refused on appeal (HM/16/0218).
- 3.3.2 It is also noted that the application site was the subject of an application in 2010 for the erection of a building to provide storage/workshop accommodation associated with the applicant's glazing company; t/a Specialised Glazing Services (Planning in Principle HM/10/0372). This application was refused permission as it was considered contrary to the provisions of the adopted South Lanarkshire Local Plan and there was no justification for a departure from the development plan.

4 Consultation(s)

- 4.1 **Roads and Transportation Services** - have offered no objections to the proposal.
Response: Noted.
- 4.2 **Environmental Services** - have offered no objections, subject to conditions relative to noise control.
Response: Appropriately worded conditions can be attached to any consent given.
- 4.3 **Scottish Water** - have offered no objections to the proposal. However, they note that no public Scottish Water, Waste Water infrastructure exists within the vicinity of the site and advise that the applicant should investigate private treatment options.

Response: The applicants are aware that no public sewer exists at this location. Appropriately worded conditions can be attached to any consent to require submission of the relevant details.

- 4.4 **Countryside and Greenspace** - have offered no response to date.

Response: Noted

- 4.5 **West of Scotland Archaeology Service** - have offered no response to date.

Response: Noted

5 Representation(s)

- 5.1 The application was advertised in the local newspaper due to the non-notification of neighbours and as a development contrary to the development plan. No letters of representation were received in response to these procedures.

6 Assessment and Conclusions

- 6.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that 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 2021 (SLLDP2). As previously stated, the proposed development is not a strategic matter as defined in Schedule 14 of the strategic development plan and therefore no policies in GCVSDP apply to the proposals.
- 6.2 The determining issues therefore in the consideration of this application are its compliance with the policies of the adopted South Lanarkshire Local Development Plan 2 and its impact on amenity and road safety.
- 6.3 Policy 1 'Spatial Strategy' of the SLLDP2 states that the Plan will encourage sustainable economic growth and regeneration, move towards a low carbon economy, protect and enhance the built and natural environment and mitigate against the impact of climate change. Policy 2 'Climate Change' requires that new development proposals should, among other criterion, "involve the reuse of vacant and derelict land", "utilise renewable energy sources", "include opportunities for the creation and enhancement of green infrastructure", "provide electric vehicle recharging infrastructure" and "minimise waste through the provision of appropriate recycling, storage and collection points.
- 6.4 In this regard it is noted that the proposed development would be occupied by the Procast Energy Services arm of the Procast Group for use as a "Renewables and Eco" business. Procast Energy Services specialise in the design and installation of solar photovoltaic systems, including associated battery storage and renewable heating systems (air-source and ground source heat pumps and biomass systems). The proposed development would provide staff and facilities which will assist in the delivery of this service. In addition, the proposal includes the upgrade of the existing building on site to Passivhaus standards (incorporating solar photo-voltaic panels), provide 2 AV charging points, a recycling facility and provide additional planting/landscaping within the site. The proposals are therefore considered to be in support of the broad aims of Policies 1 and 2 in terms of the mitigation of the impacts on climate change.

- 6.5 The application site lies within an area designated as Green Belt (Policy 4 applies). Such areas “function primarily for agriculture, forestry, recreation and other uses appropriate to the countryside. Development which does not require to locate in the countryside will be expected to be accommodated within the settlements identified on the proposals map”. Policy GBRA2 ‘Business Proposals within the Green Belt and Rural Area’ states that new businesses seeking to locate within the Green Belt may be acceptable where it involves the redevelopment of previously developed land. However, this would only be applicable if the business were considered an appropriate use in the Green Belt. In this instance it is considered that the proposed use would not normally be an operation which would be considered an appropriate use at this location, given that it is not primarily for agriculture, forestry, recreation or other uses appropriate to the countryside. As such it must be considered contrary to the requirements of Policies 4 and GBRA2. In terms of the development’s location within the Green Belt, it is noted that the applicant’s supporting Planning Statement highlights that a number of alternative local sites (Larkhall, Stonehouse, Strathaven and Hamilton) were considered but that they were unable to secure these sites. In addition, sites within Glasgow at Anniesland Business Park and Hillington Park were also considered which would have required the relocation of the existing business. However, these were discounted due to concerns over staff retention, loss of employment opportunities within the South Lanarkshire area, loss of partnership with South Lanarkshire College, loss of the established business base in Strathaven and the potential impact on their ability to provide a base and operation which was carbon negative.
- 6.6 The design and external appearance to both the existing office building and warehouse (which is similar in appearance to that of an agricultural shed) are considered acceptable at this location. In addition, the application site is well screened on all sides, with additional planting proposed as part of the proposed works and sits comfortably within the surrounding landscape. Given the remoteness of the site there will be no issues in terms of any overlooking or privacy. It is therefore considered that the proposals do not conflict with the requirements of Policy 5 – Development Management and Place Making and Policy GBRA1 – Rural Design and Development.
- 6.7 Policies SDCC3 ‘Sustainable Drainage Systems’, DM15 ‘Water Supply’ and DM16 ‘Foul Drainage/Sewerage Provision’ provide policy guidance in relation to surface water treatment, water supply and waste water respectively. It is noted that the applicants propose the introduction of an underground rainwater harvesting tank within the site. Scottish Water have confirmed that there is adequate connection to the water supply for the proposals but in relation to waste water there are no connections within the locale for the development to utilise. Therefore, Scottish Water assume that a private treatment facility would be utilised. It is considered that, in principle, waste water can be managed subject to the applicant providing further details of an acceptable waste water treatment, which can be addressed through the use of an appropriately worded condition, the proposals comply with the relevant policies of the development plan in this instance.
- 6.8 Policy 8 ‘Employment’ confirms that the Council will support economic growth and regeneration by encouraging the development of business in South Lanarkshire through the identification of employment land use areas, such as Strategic Economic Investment Locations, Development Framework Sites, Core Industrial and Business Areas and Other Employment Areas. Proposals for industrial, business and office development outwith these locations must be assessed against the relevant policy applicable to the area within which they are to be located. Whilst the applicants have

highlighted the proposal will result in additional employment and support an established business within South Lanarkshire and have provided details of their site selection process, the proposed operation is one which would normally be expected to be located within either a Core Industrial and Business Area or Other Employment Areas. As such the proposals must also be considered contrary to Policy 8.

- 6.9 It is noted that no objections have been received either in respect of third party representations nor in response to the consultations undertaken.
- 6.10 In summary, it has been concluded that the proposals, subject to conditions, accord with the policies on development management matters, in terms of design and impact on amenity, in the development plan. It is considered in this instance that the proposed use of the site does not accord with the development plan in terms of Policy 4, Policy GBRA2 and Policy 8. Notwithstanding this fact, it is considered, after taking into account the employment benefits resultant from the creation of 23 new jobs, retention and expansion of an established renewable energy business located within South Lanarkshire which has continued through a very difficult economic climate, the reuse of a vacant brownfield site and enhanced boundary planting, that the proposal can be viewed as supporting the Council's aims for sustainable economic growth and regeneration. It will also contribute to tackling the impact of climate change and a move towards a low carbon economy. On balance, these material considerations are of sufficient weight in this instance, to exceptionally justify a departure from the development plan.
- 6.11 It is therefore recommended that a departure from the development plan is acceptable for the reasons set out below and that planning permission be granted subject to condition.
- ◆ That the provision of additional job opportunities within the area will assist the Council in supporting economic growth and regeneration by encouraging the development of business in South Lanarkshire.
 - ◆ That the expansion of the existing business operation will assist the Council in its aims to minimise and mitigate against the effects of climate change and support renewable energy development.
 - ◆ That the reuse of the vacant site will assist in the protection and enhancement of the natural environment
 - ◆ There are no infrastructure implications associated with the development and there would not be an adverse impact on the built and natural environment.

7 Reasons for Decision

- 7.1 For the reasons set out in 6.11 above.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 24 September 2021

Previous references

- ◆ HM/10/0372
- ◆ HM/12/0155
- ◆ HM/16/0218
- ◆ ENF/HM/15/0030

List of background papers

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

- ▶ Consultations
 - Roads Development Management Team 13.07.2021
 - Environmental Services 03.09.2021
 - Scottish Water 17.06.2021

- ▶ Representations
 - None

Contact for further information

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

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

Conditions and reasons

01. That no trees within the application site shall be lopped, topped, pollarded or felled, and no shrubs or hedges shall be removed from the application site without the prior written consent of the Council as Planning Authority.

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

02. Prior to completion or occupation of the development hereby approved, whichever is the sooner; full details of all proposed tree planting shall be submitted to and approved in writing by the Council as Planning Authority. All tree planting shall be carried out in accordance with those details and at those times.

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

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

03. That the open space relating to the development shall be laid out simultaneously with the development or each phase thereof and shall be completed to the satisfaction of the Council as Planning Authority.

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

04. 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.

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

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

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

completed in accordance with the details submitted to and approved by the Council as Planning Authority.

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

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

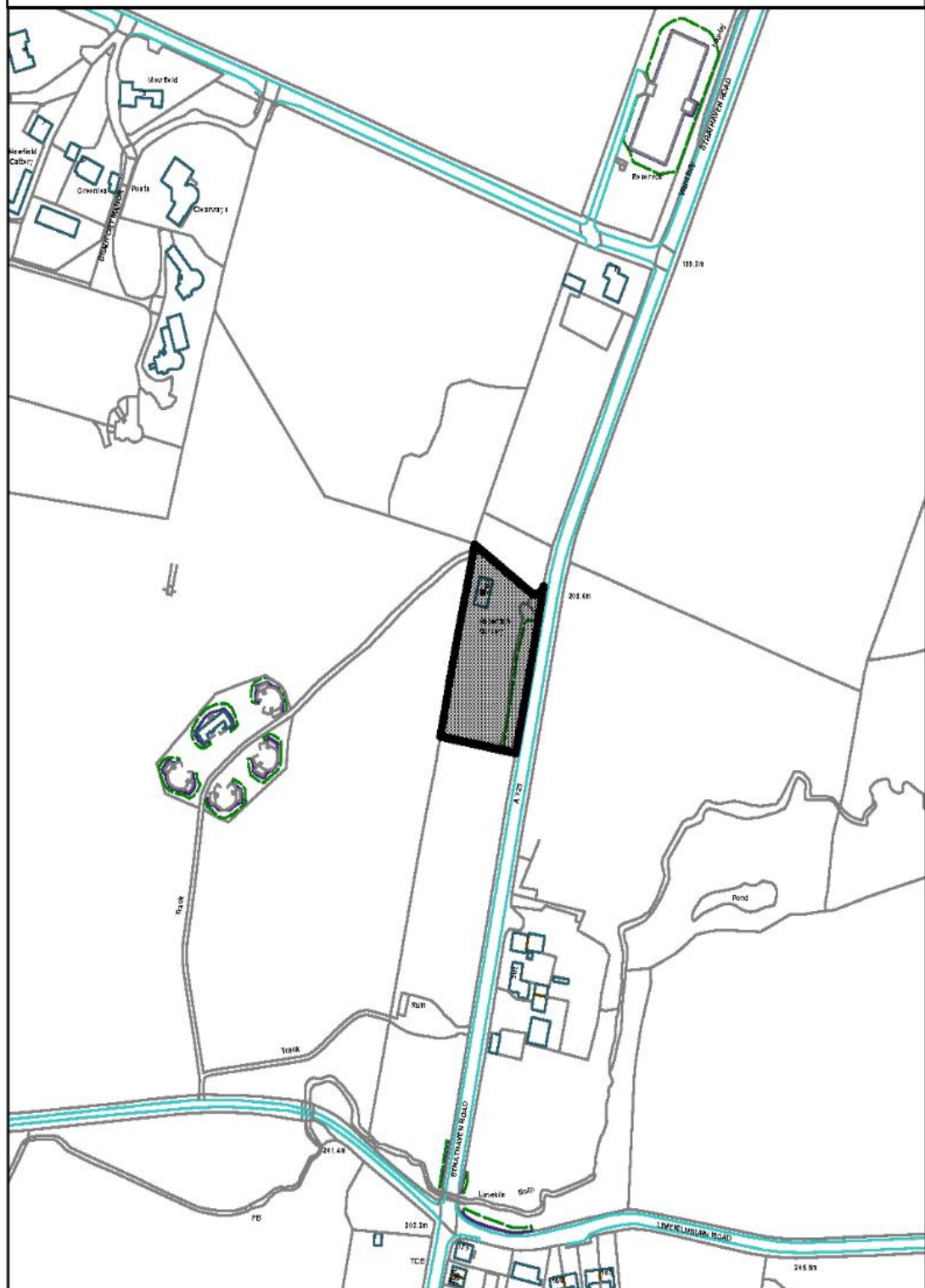
All lifts and/or hoists, including doors, guide rails and ancillary plant and machinery, as well as mechanical air handling/ air conditioning plant and ducted systems, shall be suitably isolated from the structure of the building to minimise transmission of noise and vibration to adjacent dwellings/premises.

Reason: In the interests of the amenity.

08. That, unless agreed in writing by the Council as Planning Authority, no materials shall be stored on the site outwith the warehouse hereby approved.

Reason: To safeguard the visual amenity of the area

Hapenton Nursery, 290 Strathaven Road, Limekilnburn



**SOUTH
LANARKSHIRE**
COUNCIL

South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

8

Report to:	Planning Committee
Date of Meeting:	5 October 2021
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/21/0613
Planning proposal:	Re-profiling of Existing Ground Levels to Facilitate Future Residential Development, Including Associated Retaining Walls, Construction of New Residential Access Road and SUDS Basin (Approval of Matters Specified in Condition 1 (A, C, F and M) of Planning Application EK/09/0218)

1 Summary application information

- Application type: Approval of matters specified in conditions
- Applicant: CALA Management Limited / John Lynch (Builders) Limited
- Location: Land 250M East of Easter House
Jackton Road
Jackton
East Kilbride

2 Recommendation(s)

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

- (1) Grant matters specified in 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: Fraser Dick
- ◆ Council Area/Ward: 09 East Kilbride West
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2**
Policy 1 Strategy
Policy 2 Climate change
Policy 5 Development Management and Placemaking
Policy 11 Housing Land
Policy 13 Green Network and Greenspace
Policy 16 Water Environment and Flooding
Policy SDCC2 Flood Risk
Policy SDCC3 Sustainable Drainage Systems
Policy DM1 New Development Design
Policy NHE20 Biodiversity

◆ **Representation(s):**

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

◆ **Consultation(s):**

Arboricultural Services

Roads Development Management Team

West of Scotland Archaeology Service

Environmental Services

Roads Flood Risk Management

Planning Application Report

1 Application Site

- 1.1 The planning application relates to a northeastern section of land situated within the East Kilbride Community Growth Area (CGA), known as phases 2 and 3 of the Masterplan site. The Masterplan was approved as part of Planning Permission in Principle (application EK/09/0218) for a “mixed use development comprising residential, retail and education uses and associated engineering works for site infrastructure, new access and distributor road, formation of open space framework, with landscaping work.”
- 1.2 Within Phase 2 and 3, Cala, Lynch Homes and Barratt propose their residential developments which will be brought forward as separate planning applications in the near future.
- 1.3 The site extends to 17.5 hectares. To the west lies the Phase 1 Cala development which is currently under construction, to the northwest is the existing Police Training College, to the northeast lies an open field and beyond to the established residential area of Mossneuk. To the south lies the line of the CGA spine road and beyond to other future residential development parcels of the CGA.
- 1.4 The site is primarily agricultural land of varied topography, both sloping and undulating and with an elevated area of mature deciduous woodland located on a northeast to south west axis through the site. The future phases of residential development would essentially surround this woodland feature.

2. Proposal(s)

- 2.1 The application seeks to discharge parts of Condition 1 imposed on Planning Permission in Principle (application EK/09/0218) for the development of East Kilbride Community Growth Area. Condition 1 specifies that all relevant matters including layout access roads, detailed cross sections and ground levels for earthworks, retaining walls related to earth works and formation of SUDS basin(s) are submitted to and approved by the Planning Authority.
- 2.2 The proposal is required to facilitate the next phases of housing development. The proposal entails the re-profiling of existing ground levels to facilitate the future residential developments and includes associated retaining walls. In addition, the construction of a new residential access road and SUDS Basin are also proposed as part of this proposal.
- 2.3 Originally the plans submitted indicated high retaining walls between the proposed new residential development and the mature woodland group which is located at a higher level than the fields where the housing will ultimately be built. Through extensive discussion with the applicant, revised plans were submitted which indicate a reduction in the height of the retaining walls and also a reduction in the lengths of retaining walls required. This has been achieved by the applicant proposing to undertake grading works between the Root Protection Area of the woodland and the edge of the Construction Exclusion Zone.

3 Background

3.1 Local Plan Status

3.1.1 In land use terms, the site is identified within the adopted South Lanarkshire Local Development Plan 2 2021 (LDP) as forming part of the designated East Kilbride Community Growth Area (Policy 1 - Spatial Strategy) and is allocated as a Proposed Housing Site (Policy 11 - Housing Land). Appendix 3 (Development priorities), relative to Policy 1, sets out the requirements for the CGA in greater detail.

3.1.2 In addition to the above policy designation, which provides the overarching local plan policy direction for the CGA, the proposed development is affected by a number of additional policies within the Local Plan, as follows:-

- ◆ Policy 2 – Climate change
- ◆ Policy 5 – Development management and placemaking
- ◆ Policy 16 – Water environment and flooding
- ◆ Policy SDCC2- Flood risk
- ◆ Policy SDCC3 – Sustainable drainage systems
- ◆ Policy DM1 0 New development design

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 Planning Permission in Principle (EK/09/0218) for the wider East Kilbride Community Growth Area was approved at Planning Committee on 26 June 2018, subject to the conclusion of a Section 75 Legal Agreement in respect primarily of financial contributions towards infrastructure affected by the development. Following signing of the agreement, the planning permission was subsequently issued on 3 October 2019. This application relates to the land associated with phases 2 and 3 of the CGA development and is located to the east of the Phase 1 residential site.

4. Consultation(s)

4.1 **Arboricultural Services and Countryside and Greenspace** – Have advised that the cut and fill profile is illustrated on the woodland canopy cover edge of most of the key features, and within the canopy of numerous others, and as such will still clearly be within Root Protection Areas of retained trees and could influence soil moisture level changes. Therefore, in order to mitigate and lessen any detrimental impact of this significant profiling in the vicinity of the trees, specific pre-start conditions should be imposed on any approval. In addition, detailed planting proposals are sought for the slopes together with the long term management arrangements for both the new planting and the retained woodland.

Response: Noted. Conditions would be attached to any approval to reflect the requirements set out above.

- 4.2 **Environmental Services** – no objections subject to standard informatives.
Response: Noted. The relevant informatives will be attached to any consent issued.
- 4.3 **Roads Development Management** – no objections subject to compliance with conditions and Roads Construction Consent requirements.
Response: Noted. Appropriate conditions and advisory notes can be added to any consent granted.
- 4.4 **West of Scotland Archaeology Service (WOSAS)** – advised that as the area had been subject of archaeological evaluation before revealing traces of prehistoric occupation, further archaeological excavations would be required on the site prior to any ground disturbance. Therefore, an appropriate condition should be imposed.
Response: Noted. Any consent issued would have the relevant condition attached.
- 4.5 **Roads Flood Risk Management** – No response to date.
Response: Noted. Any consent issued would have any relevant conditions attached, if appropriate.
- 5. Representation(s)**
- 5.1 Statutory neighbour notification was undertaken and following the submission of revised plans re-neighbour notification was undertaken and the application was advertised non-notification of neighbours in the local newspaper. No representations have been received.
- 6. Assessment and Conclusions**
- 6.1 The applicant CALA Management Limited / John Lynch (Builders) Limited seeks consent for the re-profiling of existing ground levels to facilitate the future residential developments and includes associated retaining walls. In addition, the construction of a new residential access road and SUDS Basin are also proposed as part of this proposal. The site benefits from planning permission in principle (EK/09/0218). As such, the principle of the development has already been established and this assessment relates to civil engineering works proposed on the land associated with future phased residential development. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that all planning applications are determined in accordance with the development plan, unless other material considerations indicate otherwise. The main determining issues, therefore, in the assessment of this application are whether these proposals are in compliance with local development plan policy.
- 6.2 The adopted South Lanarkshire Local Development Plan 2 (SLLDP2) identifies the site, in land use terms, as being within a Community Growth Area (as defined by Policy 1 – Spatial strategy). The site is also allocated as proposed housing land (Policy 11 – Housing land) to reflect the designation of the CGA. It is, therefore, noted that the principle of housing development on this site is supported by Policies 1 and 11 of the adopted SLLDP2.
- 6.3 In terms of the detail of the proposal, Policy 5 of the SLLDP2 states that all planning applications should take fully into account the local context and built form, while Policy 2 seeks to ensure that proposed developments, where possible, seek to minimise and mitigate against the effects of climate change. Furthermore, any proposal should not result in significant adverse environmental or amenity impacts.

- 6.4 With regard to potential amenity impacts, following discussion with the Planning Service, the re-profiling and cut and fill proposals have been altered to involve more grading of earth as opposed to the introduction of significantly high retaining walls. By revising the works to entail more earth grading between the Root Protection Area of the existing woodland and the Construction Exclusion Zone this has ensured that the extent of retaining walls proposed between the mature woodland area and the next phase of residential development has less impact and therefore will not detrimentally impact on the amenity of the future residents. Given the above, it is considered that there would be no significant impact on the amenity enjoyed by future adjacent properties as a result of the re-profiling exercise as proposed. Taking all relevant matters into account, it is considered that the proposal is in compliance with Policies 2, 5 and DM1 of the SLDP2. In terms of flood risk and impact on the water environment (Policies 16, SDCC2 and SDCC3 of the LDP), it is noted that the proposal includes sustainable drainage features. In this regard, it is noted that no objections in principle have been received from the Council's Flood Risk Management team. Appropriate conditions, where relevant, would be attached to the consent issued. In addition, the Council's Roads Service have intimated no objections to the proposal subject to conditions and that all new roads will be subject to a Road Construction Consent and must be designed and constructed to meet the national Roads Development Guide.
- 6.5 The application site surrounds an area designated as green network, where Policy 13 (Green Network and Greenspace) of the SLLDP2 applies. This policy seeks to safeguard the local green network and identify opportunities for enhancement and/or extension to contribute towards objectives including promoting active travel, placemaking and supporting biodiversity. In this regard, it is noted that the majority of the re-profiling works and cut and fill proposed will be on agricultural grazing land. The elevated area of historic woodland will be retained and will be enhanced with additional planting to provide and maintain a green network link through the CGA and the wider rural area beyond the site. Given the above, it is considered that the proposal would not result in a significant change to quality or volume of green network land on the site and that access to a connected green network would be available for future residents, in compliance with Policy 13 of the SLLDP2.
- 6.6 In summary, it is noted that the principle of residential development of this site is supported by development plan policies and the existing Planning Permission in Principle consent, including the Masterplan associated with the site. Furthermore, given that this specific re-profiling proposal will not result in adverse amenity, environmental or safety impacts, it is considered that the proposed development is in compliance with Policies 1, 2, 5, 11, 13, 16, SDCC2, SDCC3, DM1 and NHE20 of the adopted South Lanarkshire Local Development Plan 2 (2021). It is, therefore, recommended that the relevant parts of Condition 1 outlined above can be discharged, subject to the additional conditions listed.
- 7. Reasons for Decision**
- 7.1 The proposal will have no significant adverse impact on amenity, public safety or the local environment and complies with the provisions of Policies 1, 2, 5, 11, 13, 16, SDCC2, SDCC3, DM1 and NHE20 of the Adopted South Lanarkshire Development Plan 2.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 15 September 2021

Previous references

- ◆ EK/09/0218 - mixed use development comprising residential, retail and education uses and associated engineering works for site infrastructure, new access and distributor road, formation of open space framework with landscaping work – Approved 03.10.2019.

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 23 April 2021
- ▶ Neighbour notification letter dated 18 August 2021
- ▶ Newspaper advert dated 25 August 2021

- ▶ Consultations
 - Arboricultural Services 13.09.2021
 - Roads Development Management Team 03.08.2021
 - West of Scotland Archaeology Service 07.05.2021
 - Environmental Services 31.08.2021

Contact for further information

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

Maud McIntyre, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
Phone: 01698 455043
Email: maud.mcintyre@southlanarkshire.gov.uk

Conditions and reasons

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

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. 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: In the interests of amenity.

03. That no part of the proposed adoptable carriageway or footway shall be in retention by either a slope with a gradient greater than 1 in 2 or a structure.

Reason: In the interests of road safety and to safeguard future potential maintenance issues.

04. That during earth moving works and wall construction, an appropriate cleaning system shall be put in place within the site together with wheel washing facilities/road cleaning regime to ensure that mud and debris is not deposited on the public road.

Reason: In the interest of traffic safety.

05. That prior to the commencement of site works a plan shall be submitted for approval identifying the site compound within the site boundary and showing a turning area (to enable all vehicles to be able to access and exit the site in forward gear), location and number of vehicle spaces for staff/operatives.

Reason: This information has not been submitted and in the interest of public safety and to safeguard amenity.

06. That all vehicles must be able to access / exit the SUD's area in forward gears. Prior to the commencement of site works a tracking drawing shall be provided to demonstrate that this can be achieved.

Reason: In the interests of traffic safety.

07. That all new roads will be subject to a Road Construction Consent to be submitted for approval to the Council as Roads Authority and must be designed and constructed to meet the National Roads Development Guide.

Reason: To ensure the completion of the road network to the satisfaction of the Council as Roads Authority.

08. 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 order to determine the character and extent of any archaeological remains within the proposed development area, to safeguard and allow any archaeological remains which may exist on the site to be satisfactorily recorded.

09. That no trees within the application site shall be lopped, topped, pollarded or felled, and no shrubs or hedges shall be removed from the application site without the prior written consent of the Council as Planning Authority.

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

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

- a) Location and installation of services/ utilities/ drainage.
- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of earth profiling (raising and lowering) and construction within the RPA or that may impact on the retained trees and propose and implement special arboricultural design solutions and mitigation measures to reduce impact.
- d) A full specification for the construction of any roads, parking areas and driveways, soil level raising 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.
- e) Detailed levels and cross-sections to show that the raised and reduced 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.
- f) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.

- g) A specification for scaffolding and ground protection within tree protection zones.
- h) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- i) 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.
- j) Boundary treatments within the RPA.
- k) Methodology and detailed assessment of root pruning including all profiling work within the RPA of retained trees.
- l) Arboricultural supervision and inspection by a suitably qualified tree specialist.
- m) Reporting of inspection and supervision.
- n) Methods to improve the rooting environment and RPA for retained trees in the vicinity of soil profiling i.e. undulating contours along profile line retaining as much RPA as possible.

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.

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

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

12. Prior to completion of the works hereby approved, full details of all proposed tree planting shall be submitted to and approved in writing by the Council as Planning Authority. This will include planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times.

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

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

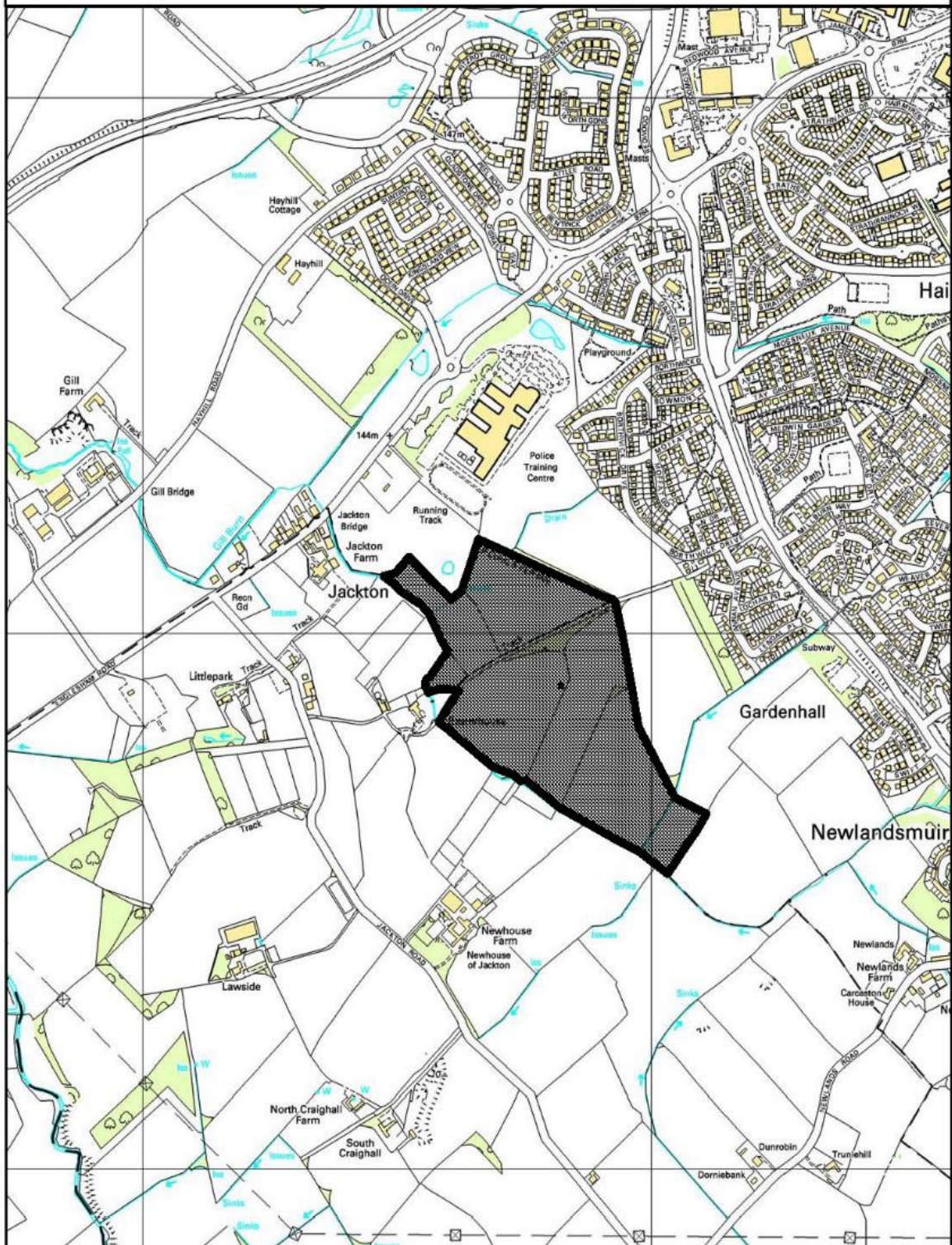
13. Prior to completion of the works hereby approved, a woodland management plan shall be submitted to, and approved in writing by the Council as Planning Authority. The management plan should be prepared by a qualified and experienced forestry or arboricultural consultant and should include the following elements:

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

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

P/21/0613

Land 250M East of Easter House, Jackton Road, Jackton



© Crown copyright and database rights 2019 OS 100020730. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.



Scale:
1:10,000
Date:
16/08/2021



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

9

Report to:	Planning Committee
Date of Meeting:	5 October 2021
Report by:	Executive Director (Community and Enterprise Resources)

Subject	South Lanarkshire Local Development Plan 2 – Legal Challenge
---------	---

1. Purpose of Report

1.1 The purpose of the report is to:-

- Advise members of a legal challenge to part of the adopted South Lanarkshire Local Development Plan 2 and provide an update on its implications and outcomes
- Seek approval for Supporting Planning Guidance and an associated Development Brief in relation to a site at Law Place in East Kilbride and thereafter undertake public consultation

2. Recommendation(s)

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

- (1) that the implications and outcome of the legal challenge to part of the adopted South Lanarkshire Local Development Plan 2 be noted;
- (2) that the Supporting Planning Guidance and associated Development Brief in relation to the site at Law Place in East Kilbride, as set out in Appendix 1 to the report, be approved; and that consultation as described in section 5.6 of the report be undertaken; and
- (3) that the Head of Planning and Economic Development Services be authorised to make drafting and technical changes to the draft document prior to its publication for consultation.

3. Background

3.1 The Planning Committee on 1 December 2020 agreed to carry out the necessary steps to adopt the proposed South Lanarkshire Local Development Plan 2 (SLLDP2). The Plan was submitted to Scottish Ministers in February 2021 for them to advise of the Council's intention to adopt the plan and notice was received in March that adoption could proceed. Advertisements in several local newspapers were published in the week ending 16 April 2021 giving notice of the adoption of the Plan. The relevant Regulations include provision for a legal challenge about the validity of the Plan to be made to the Court of Session within 6 weeks of the publication of the notice.

- 3.2 On 27 May 2021 the Council received notice of an appeal that has been lodged at the Court of Session by Law Place (East Kilbride) Limited (the appellant) against the adoption of SLLDP2. It should be noted that this appeal is a legal challenge and not a standard planning appeal that would be considered by a Reporter assessing the planning merits of a case, but rather a challenge to the procedural aspects of local plan preparation. The challenge related to the designation of part of the former Rolls Royce site in East Kilbride in the adopted plan as a core industrial and business area on the grounds that the relevant parts of the Town and Country Planning (Scotland) Act 1997 had not been complied with. To summarise the appellant's position
- South Lanarkshire Local Development Plan 1 identifies the site as a Green Network Location.
 - The Proposed SLLDP2 similarly identified the site as a Green Network Location. As a result, the appellants did not make any representations during public consultation on the proposed SLLDP2 that was undertaken in the summer 2018.
 - The Council then submitted a series of proposed technical amendments it sought to make during the Examination of the Proposed Plan between May 2019 and August 2020 including showing the appeal site as a core industrial and business site on the Proposals Map for East Kilbride. The appellants were not notified of the change and the consultation on the proposed SLLDP2 made no reference to the change. The appellants claim they would have objected to the change if they had been aware of it.
 - The version of SLLDP2 sent to Scottish Ministers and subsequently adopted designates the site as core industrial and business.
- 3.3 As a result, the appellants contended the Plan, or such part of it as the Court of Session sees fit, should be quashed.
- 3.4 In terms of the circumstances that led to this position, the overall Rolls Royce site including the appeal site was identified as a Development Framework Site (DFS) in SLLDP1 that was adopted in 2015. At that time this designation was not challenged by the appellants. The Development Requirements for the site are clear that industry/business is one of the acceptable uses for the site and that a masterplan was to be agreed with the Council. The SLLDP1 settlement map for East Kilbride shows the DFS outlined in black. The appellants are correct that the site is identified as Green Network however, as with other DFS sites in the Plan, the green network symbol covers the whole site to indicate that green network provision will be required in any new development.
- 3.5 Following the adoption of SLLDP1 in 2015 a planning application was submitted covering the whole of the Rolls Royce site and includes a masterplan showing the location of the proposed uses. This shows the majority of site for residential development with a retail area in the north east corner and an industrial/business area on the north western part of the site (now the appeal site). The application was approved in September 2016.

- 3.6 During the preparation of the proposed SLLDP2 in 2017/18, construction work had commenced on the housing element of the Rolls Royce masterplan, and consent had been granted for the retail element. Due to this level of progress on site it was decided that the DFS designation was no longer required and it was therefore removed from the East Kilbride Settlement Plan. At this time the Settlement Plan base map should have been updated to reflect the uses shown on the approved Masterplan, however a technical error meant this did not occur when the Geographical Information Systems (GIS) layers were updated. Therefore, the industrial and retail elements of the masterplan were not identified on the Settlement Plan as was intended. This was not noted by officers until after the proposed plan was published for public consultation during Summer 2018. There was no representation made in respect of the appeal site.
- 3.7 Having identified the drafting error the Council listed the proposed change to the designation of the site as a core industrial and business area as one of several technical modifications submitted to the Examination. As the modification would reflect the existing planning consent and the masterplan agreed in accordance with the previous DFS requirements, the Council did not consider notification of the modification was necessary as it was not a material change in the context of the approved masterplan and indeed was consistent with that masterplan.
- 3.8 The adopted version of SLLDP2 approved by the Planning Committee in December 2020 incorporates all the modifications required by the Reporter following the Examination and also the technical changes sought by the Council. The appeal site was therefore shown as a Core Industrial and Business area on the settlement map for East Kilbride in the adopted plan.

4. Current Position

- 4.1 Following receipt of the notice of the legal challenge, consultation with legal Counsel was undertaken and the view has been taken to concede the appeal. This has been authorised by the Head of Administration and Legal Services under the Council's Scheme of Delegation (section 4, D, D1, 6) which covers the discharge of the functions of the Council in relation to any type of judicial or quasi judicial proceedings.
- 4.2 In turn, the Council subsequently agreed a Joint Minute with the Appellants agreeing the reasons for, and extent of, the quashing of this part of the Plan. By joint motion the parties agreed that the Council had failed to comply with the terms of Section 18 and 19 of the Town and Country Planning (Scotland) Act 1997 when changing the designation of the Site and thereby erred in law. The Court of Session, by court order dated 23 September 2021, accordingly quashed the SLLDP2 insofar as it designates part of the Old Rolls Royce Site, Mavor Avenue, East Kilbride as a Core Industrial and Business Area.

5. Next Steps

- 5.1 The effect of this outcome is that there is now a "hole" in the proposals map in relation to the site. It does not replace the previous designation as Green Network or resurrect any previous designation. The Council is required to publicise the decision of the Court and the fact that part of the SLLDP2 is not effective.
- 5.2 In terms of addressing this position, Circular 6/2013 – Development Planning states that planning authorities may issue non-statutory planning guidance without having to comply with the procedures involved in the production of statutory Supplementary Guidance (SG). Non-statutory planning guidance may be used to provide detail on a range of subject areas. This form of guidance does not form part of the development plan. However, adoption of this guidance by the Council gives it a formal status,

meaning that it will be a material consideration in decision making on planning applications. As a result, it is considered appropriate to prepare non statutory supporting planning guidance to establish the Council's position in terms of spatial planning policy for the site. An associated Development Brief has also been prepared to provide detailed guidance for developers of the site.

- 5.3 Notwithstanding quashing of this part of the Plan, it is considered that the intended designation of the land as a Core Industrial and Business Area remains appropriate. The site historically formed part of the extensive former Rolls Royce site at Law Place in East Kilbride. In accordance with the approved masterplan its redevelopment has resulted in a new residential development to the east that is largely complete and the erection of two retail units which are now operating. As a result, the 2016 consent is extant. The site itself is separated from the new housing by a noise attenuation bund and acoustic fencing to protect residents from proposed and existing employment uses. There is no physical connectivity between the residential development and the site. Land on the three remaining sides of the site is entirely commercial in nature comprising manufacturing and trade premises and they form part of the wider Nerston Industrial Estate also designated as a Core Industrial and Business Area. The development of the site for employment purposes would therefore be in keeping with the established character of the area.
- 5.4 The planning permission is subject to a condition limiting the use of the employment area to classes 5 (General Industrial) and 6 (Storage and Distribution). Following approval of the masterplan, the site has been included in the Council's industrial land supply since 2018 as a potential marketable site. In addition, an application has not been made to amend the approved masterplan or the condition in terms of alternative uses for the site. Demand remains for larger sites in East Kilbride to be identified both for speculative and bespoke developments. In addition, the Strategic Business case for the Stewartfield Way City Deal project was updated in June 2021 and this site is one that is identified as contributing to the economic outputs that the Stewartfield Way project will deliver. These proposals would improve the transport network at the two roundabout junctions between the exit to the East Kilbride Expressway and up to and including the Kingsgate Retail Park and dual the road from Kingsgate Retail Park to James Hamilton Heritage Loch which will help increase the road network capacity and improve the attractiveness of the site to investors. There is an increased level of enquiries for industrial sites for sites that are well located, particularly in relation to key transport routes.
- 5.5 In terms of alternative uses, SLLDP2 identifies a minimum 5 year effective housing land supply is available throughout the lifetime of the plan as required by Scottish Planning Policy. The site has not been allocated as a new housing site in SLLDP2. The planning permission for the wider Rolls Royce site is subject to a condition that limits the number of housing units that could be developed to 354. This was in recognition of the impact additional units would have on the local road network. Furthermore the site is bounded on three sides by existing industrial and business use which would mean new housing would be out of keeping with the character of the surrounding area which is a long established employment base for East Kilbride. In particular the site is immediately adjacent to noisy industrial activity that operates on a 24 hour basis to the south. As a result housing development on the site would not be appropriate.

5.6 It is therefore recommended that the proposed Supporting Planning Guidance (SPG) and associated Development Brief, attached as Appendix 1, are approved. If members agree with this recommendation, a public consultation exercise extending to 6 weeks and comprising of informing the landowners and advertisement in the local press will be undertaken. Representations that are received in response to this publicity will be the subject of a further report to Committee.

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 In conceding the appeal the Council has met the legal costs of the appellants of £7,500. This will be met from existing budgets. It should be noted that provision is made within the budget for legal challenges given the planning system is a legislative process.

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. The site is identified in the Plan for new development and has therefore already been subject to SEA. No further assessment is required. An Equality Impact Assessment and Health Impact Assessment was also carried out during the preparation of the Plan.

9 Other Implications

9.1 The failure to have spatial policy and planning guidance for the site would undermine the Council's strategic vision of promoting sustainable economic growth in South Lanarkshire.

10. Equality Impact Assessment and Consultation Arrangements

10.1 An Equalities Impact Assessment (combining Child Rights and Wellbeing Impact Assessment) is not required.

10.2 Consultation on the SPG and accompanying development brief will be carried out as described in section 5.6

Michael McGlynn

Executive Director (Community and Enterprise Resources)

16 September 2021

Link(s) to Council Objectives

- Demonstrating governance and accountability
- The efficient and effective use of resources and managing and improving performance

Previous References

- Report to Planning Committee 1 December 2020

List of Background Papers

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

Contact for Further Information

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

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

Ext: 5105 (Tel: 01698 455105)

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

Supporting Planning Guidance - Land at Law Place, East Kilbride**1. INTRODUCTION**

- 1.1 The South Lanarkshire Local Development Plan 2 (SLLDP2) was adopted by the Council on 9 April 2021. An appeal to the Court of Session by the landowners of part of the former Rolls Royce site on Law Place in East Kilbride resulted in the designation of the site in SLLDP2 as a core industrial and business area being quashed. A plan showing the location of the site is found on Plan 1. This in effect means the land has no designation in the adopted plan. This supporting planning guidance has been prepared to establish the Council's position in terms of spatial planning policy for the site following this outcome. It identifies the land uses that will be acceptable at the site and sets out (in the form of the accompanying development brief) the criteria that will be used by the Council in the determination of any planning application that is submitted.
- 1.2 Circular 6/2013 – Development Planning states that planning authorities may issue non-statutory planning guidance without having to comply with the procedures involved in the production of statutory Supplementary Guidance (SG). Non-statutory planning guidance may be used to provide detail on a range of subject areas. This form of guidance does not form part of the development plan. However, adoption of this guidance by the Council gives it 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 scrutiny by Scottish Ministers. Since the publication of the circular the Planning (Scotland) Act 2019 has received Royal Assent. Section 9 of the Act repeals the ability of Planning Authorities to prepare SG in the future. As a result, it is considered appropriate to prepare non statutory guidance to address the issue described above.
- 1.3 Site Location and Description
The site historically formed part of the extensive former Rolls Royce site at Law Place in East Kilbride. Following the closure of the Rolls Royce facility the land was cleared of any buildings. Its redevelopment has resulted in a new residential development to the east that is largely complete and the erection of two retail units which are now operating. The site itself is vacant and comprises a flat hardstanding area. It is separated from the new housing by a noise attenuation bund and acoustic fencing. There is no physical connectivity between the residential development and the site.
- 1.4 Land on the three remaining sides of the site is entirely commercial in nature comprising manufacturing and trade premises and they form part of the larger Nerston Industrial Estate. Located to the southern boundary is an existing industrial unit operated by a packaging manufacturer, Multi Packaging Solutions (MPS), with vehicle access via Leesburn Place.

2 BACKGROUND

- 2.1 The overall Rolls Royce site was identified as a Development Framework Site (DFS) in the South Lanarkshire Local Development Plan 1 (SLLDP1) adopted in 2015. The Development requirements for the site were set out in Appendix 3 of the Plan. The site was to comprise a mixed use development including industry/business/commercial uses with a masterplan required to demonstrate how proposed uses would integrate with adjoining land uses. In addition the Proposals Map identified the entire former Rolls Royce site as Green Network to indicate that green network provision would be required in the redevelopment of the site.
- 2.2 Planning Application EK/15/0408 for a mixed use development (including residential, employment and retail uses), landscaping, parking and associated infrastructure was submitted in December 2015 after SLLDP1 was adopted. It included a masterplan showing the majority of site being identified for residential development with a retail area in the north east corner and an employment area on the north western part of the site (the land the subject of this planning guidance). The application was approved in September 2016. As the residential and retailing elements of the masterplan have been largely implemented the planning permission is extant.
- 2.3 A plan showing the approved masterplan layout is attached as Plan 2. It shows that the primary access to the employment land would be from Leesburn Place through the existing site occupied by Multi Packaging Solutions with a secondary access also proposed from Law Place for service vehicles. A landscape buffer, in the form of a bund, to separate the proposed and existing employment from the new residential development to the east is also identified.
- 2.4 The planning permission was subject to conditions limiting the use of the employment area to classes 5 and 6 (General Industrial and Storage/Distribution) and the number of housing units on the residential element to 354. This was based on the outcome of the Transport Assessment submitted with the application.
- 2.5 Preparation of the proposed SLLDP2 started in 2016 by which time work had commenced on the housing element of the masterplan and planning permission granted for the retail element. As a result the Development Framework Site designation was no longer required. The DFS designation covering the site was therefore removed in the proposed SLLDP that was published for public consultation in June 2018. The Proposals Map that now forms part of the adopted SLLDP2 designates the residential and retail areas in the masterplan site as part of the Housing Land Supply and an Out of Centre Commercial Location respectively. Following the quashing of the part of the plan that relates to the site which is the subject of this guidance there is not a specific land use designation attached to this land.
- 2.6 Following approval of the masterplan, the site was included in the industrial land supply in 2018 as a potential marketable site and this has remained the case since then. This reflects the Council's position that it was intended to be designated for industrial/business use in terms of LDP policy. In addition, an application has not been made to amend the approved masterplan in terms of alternative uses for the site.

3. PLANNING POLICY AND GUIDANCE

3.1. Government Policy and Guidance

- 3.1.1. The Scottish Government's central purpose is to create a more successful country by increasing sustainable economic growth and this is reflected in its commitment to achieving sustainable development. Scottish Planning Policy 2014 introduces a presumption in favour of development that contributes to sustainable development.

This is to be guided by a number of principles including giving due weight to net economic benefit of proposals; responding to economic issues, challenges and opportunities; making efficient use of existing land, buildings and infrastructure; and supporting climate change mitigation and adaptation.

- 3.1.2 In terms of supporting business and employment, SPP states that the planning system should promote business and industrial development that increase economic activity and allocate sites that meet the diverse needs of the area and give due weight to the net economic benefit of proposed development. The planning system should also identify a generous supply of land for each housing market area to achieve housing land requirements across all tenures by maintaining at least a 5 year supply of effective housing land at all times. Government guidance 'Designing Streets' and 'Creating Places' stresses the importance of good design in achieving a wide range of social, economic and environmental goals, making successful and sustainable places that will contribute to viable and vibrant communities.

3.2. Development Plan

- 3.2.1 The overall strategic vision of SLLDP2 is to promote the continued growth and regeneration of South Lanarkshire by seeking sustainable economic and social development within a low carbon economy whilst protecting and enhancing the environment. The objective is to encourage development in the right place, at the right time and of the right quality. The location and nature of the regeneration and growth priorities in SLLDP2 play a significant role in achieving the plan's vision and objectives and these include Development Framework Sites. This approach will also contribute to the delivery of the Council's Economic Strategy which aims to support investment in appropriate business locations. These priorities are then complemented by the plan's commitment to environmental protection and enhancement including the identification and maintenance of a strategic and local Green Network. The site is bounded on three sides by land designated as a Core Industrial and Business Area (ie Nerston Industrial Estate).

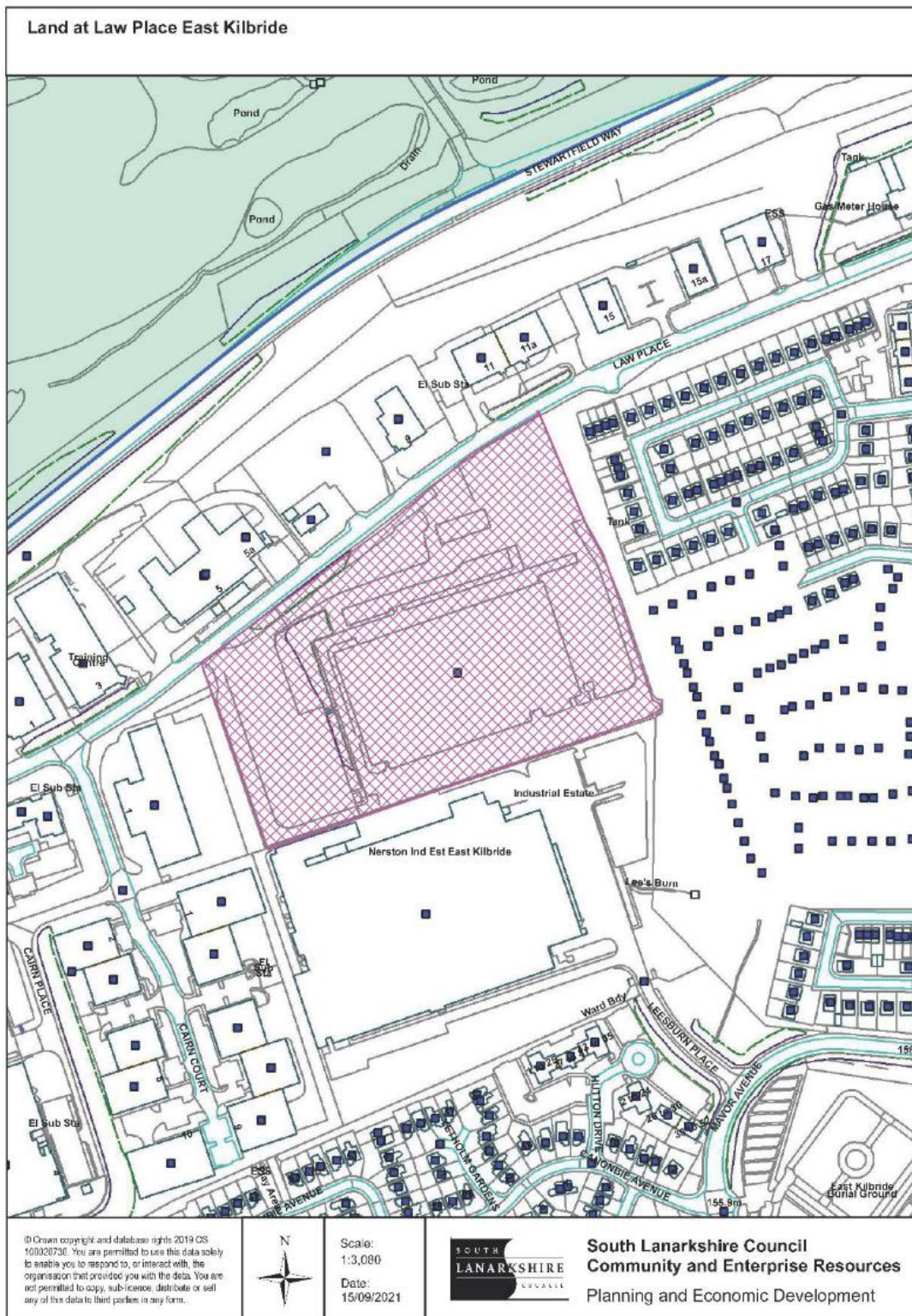
4. LAND USE

- 4.1 Section 2 of this guidance describes the planning history of the site including the policy background which led to the initial designation of the former Rolls Royce site as a Development Framework Site in SLLDP1; the subsequent granting of planning permission for a mixed use development which led to the approval of a masterplan identifying this part of the site for employment use; and the subsequent inclusion of the land in the industrial land supply as a potentially marketable site.
- 4.2 An analysis of the East Kilbride Industrial Land Supply carried out in July 2021 shows that there has been a 37% reduction in the overall marketable supply since 2015 (27.45 hectares and 43.44 hectares respectively). This change is partly due to take up of land for employment uses as well as sites being developed or reallocated for alternative uses.
- 4.3 Since 2015 a total of 6.35 ha has been developed for industry and business in East Kilbride, an annual average of just over 1 ha per annum. In addition, a number of the sites within the current industrial land supply already benefit from extant planning consent and may be developed in the short term. This results in just under 12 hectares of unconsented land being available for new industrial/business development. Many involve small plots within the Scottish Enterprise Technology Park and are only suitable for smaller class 4 type developments. The availability of larger sites for class 5/6 uses is more limited, particularly in the northern part of East Kilbride.

- 4.4 Recent developments and proposals indicate there is still a demand for larger sites in East Kilbride both for speculative and bespoke developments. These include the development of 4.5 hectares at College Milton for a whisky blending centre; development of class 4/5/6 speculative units at plot 1 Kelvin South (0.8ha) and the recent application for a vehicle storage and distribution centre on the former Freescale site at Kelvin industrial estate (12 ha).
- 4.5 In addition, the Strategic Business case for the Stewartfield Way City Deal project was updated in June 2021 and this site is one that is identified as contributing to the economic outputs that the Stewartfield Way project will deliver. These proposals would improve the transport network at the two roundabout junctions between the exit to the East Kilbride Expressway and up to and including the Kingsgate Retail Park and dual the road from Kingsgate Retail Park to James Hamilton heritage Loch which will help increase the road network capacity and improve the attractiveness of the site to investors. There is an increased level of enquiries for industrial sites for sites that are well located, particularly in relation to key transport routes.
- 4.6 The site is bounded on three sides by existing employment uses and, as a result, the character of the area is commercial in nature. As a result, it is considered that the redevelopment of the site for uses within classes 5 and 6 of the Use Classes Order is appropriate. The extant planning permission precludes the inclusion of Class 4 Business uses due to the impact of vehicular access being taken directly onto Law Place and the increase in traffic generation on the wider road network. In land use terms the introduction of class 4 use would be acceptable in principle however proposals would be required to show any adverse traffic impacts could be mitigated through an update of the previous Transport Assessment.
- 4.7 In terms of alternative uses, SLLDP2 was adopted in April 2021 and identifies a minimum 5 year effective housing land supply is available throughout the lifetime of the plan as required by Scottish Planning Policy. The site was not submitted during the 'call for sites' stage of the preparation of LDP2 and has not been allocated as a new housing site in SLLDP2. Policy 11 – Housing states that if, during the lifetime of the plan, a shortfall in the 5 year supply of effective land is identified, the Council may support development proposals that are effective and capable of meeting the identified shortfall. This would be in the following order of preference;
- Non-effective sites now shown to be effective
 - Urban capacity sites
 - Additional brownfield sites
 - Sustainable greenfield sites.

There is currently no identified shortfall in housing land supply in the East Kilbride Housing Market Area and therefore Policy 11 is not invoked.

- 4.8 The planning permission for the wider Rolls Royce site is subject to a condition that limits the number of housing units that could be developed to 354. This was in recognition of the impact additional units would have on the local road network. Proposals would therefore have to demonstrate through an update of the earlier Transport Assessment that any adverse impact could be mitigated. Furthermore, the site is bounded on three sides by existing industrial and business use which would mean new housing would be out of keeping with the character of the surrounding area which is a long established employment base for East Kilbride. In particular the site is immediately adjacent to noisy industrial activity that operates on a 24 hour basis to the south. As a result, housing development on the site would not be appropriate.



Plan 2



Land at Law Place, East Kilbride

Development Brief

Description of site and surroundings

The site is located on Law Place within the northern part of East Kilbride. It is bound on three sides by existing industrial units and trade business premises which comprise Nerston Industrial Estate. These units are accessed off Law Place which is the main distributor road through the industrial estate as well as the secondary roads Cairn Court and Lees Burn Place. To the east is a residential development of 354 units that is under construction and largely complete. There are also two retail units that are operational. The new housing and retail units are accessed off Mavor Avenue via a new roundabout on Law Place. The adjacent dwellings are separated from the site by an acoustic bund with associated fencing. The bund runs the entire length of the eastern boundary with no physical connectivity between the residential development and the site. Further to the west of the site, located at the junction of Cairn Court and Law Place, are 4 storey flatted dwellings located on elevated ground.

The site is approximately 25 hectares in area and is generally flat, although there is a drop in levels into the site from Law Place along the northern boundary. There is an existing vehicular access to the north-west corner of the site off Law Place that served former buildings. The land has been cleared of buildings associated with the former Rolls Royce activity. A linear group of trees through the site running north to south has been retained. There are also several groups of trees and remnants of mature hedgerows along the northern boundary with Law Place and along the boundaries to the south and west of the site.

In the wider locality Kingsgate Retail Park and other large retail units are located to the north east of the site. East Kilbride Town Centre is approximately 2km to the south of the site. Within the Town Centre is a multi-terminal for buses, providing links to the local area and neighbouring towns. East Kilbride is served by two railway stations which provide a frequent rail service to Glasgow. The site is close to the A725 which provides direct access to the M74. Stewartfield Way which is within 2 minutes drive of the site provides access to the Southern Orbital and the M77 to the west. The A746 to Cambuslang and Rutherglen is also close. The adopted South Lanarkshire Local Development Plan 2 (SLLDP2) identifies East Kilbride as a Community Growth Area and as such the settlement will continue to see expansion and improvement of facilities.

Planning policy and appropriate land use

The planning policy context at a national level (Scottish Planning Policy 2014) and a local level (South Lanarkshire Local Development Plan adopted in April 2021) is described in section 3 of the Supporting Planning Guidance for the site. Taken together with the planning history of the site and the matters described in section 4 of the SPG it is considered that the redevelopment of the site for uses within classes 5 and 6 are appropriate; consideration will be given to the introduction of class 4 uses where it can be demonstrated that the impact of proposals on the wider road network can be mitigated.

Proposals are also expected to comply, where relevant, with the following adopted local development plan policies:

Volume 1	Volume 2
1 – Spatial Strategy	
2 – Climate Change	SDCC2 – Flood Risk SDCC3 – Sustainable Drainage Systems SDCC4 – Sustainable Transport SDCC6 – Renewable Heat SDCC7 – Low and Zero Carbon Emissions from New Buildings
5 – Development Management and Placemaking	DM1 – New Development Design DM15 – Water Supply DM16 – Foul drainage and sewerage DM17 – Air Quality
8 - Employment	ICD2 – Non-conforming uses in core industrial/business areas
11 - Housing	
13 – Green Network and Greenspace	
14 – Natural and Historic Environment	NHE18 – Walking, Cycling and Riding Routes NHE20 - Biodiversity
15 – Travel and Transport	
16 – Water Environment and Flooding	

The link below is to the adopted SLLDP2 on the Council's website https://www.southlanarkshire.gov.uk/info/200145/planning_and_building_standards/39/development_plans/2

Development guidance

Scale and design of new buildings

The immediate streetscape is predominantly commercial in nature comprising of trade and industrial units, and it would be expected for a similar proposed use to visually integrate with the existing character. However, the neighbouring residential development to the east will require the developer to take due cognisance of the impact on visual and residential amenity. Any proposal must reflect the physical characteristics of the site, particularly its relationship with neighbouring properties and ensure that they are not adversely impacted upon through overlooking, overshadowing or overwhelmed by physical presence, or as a result of noise and activity from adjoining uses.

The scale of any building should ensure that it does not physically or visually dominate the 2 storey residential dwellings located along the eastern boundary. This will require careful siting and design and should also mitigate the impact on overshadowing and loss of daylight. The developer should consider the need for external lighting to ensure this does not cause light disturbance to the enjoyment of the residential properties. The materials of any building should be sympathetic to the visual appearance of neighbouring residential properties and should consider a mix of materials or the use of appropriate colours that would add visual interest and be of an acceptable quality.

Noise impact

The extant planning permission included proposals for the creation of a bund and acoustic fencing between the new housing and the site and they have been implemented. The layout of the new housing also took into consideration the proximity of houses to the potential employment uses within the site. Nevertheless, the developer will be required to submit an updated noise impact assessment to consider the impact of proposed development on the new dwellings to the east and the existing flatted dwellings to the west of the site at the junction of Carin Court and Law Place. The existing acoustic bund along the eastern boundary will provide a level of mitigation, however further mitigation may be required based on the outcome of the assessment and recommended conclusions. The scope of the assessment should include activity from the proposed development, existing neighbouring businesses, and traffic generated noise. The report should focus on the impact to the neighbouring residential properties, and to ensure that predicted noise levels are within acceptable limits to prevent an adverse impact on residential amenity.

Transport and traffic

A Transport Assessment or Transport Statement may be required to be carried out depending on the scale and type of uses proposed. The requirement for a TA is established by the thresholds set by Transport Scotland. Early discussion should take place with Roads and Transportation Services to determine the need for this and in order to agree scoping.

The approved masterplan shows the primary access to the site would be taken from Leesburn Place through the existing site occupied by Multi Packaging Solutions with a secondary access proposed from Law Place for service vehicles. The preference is for this arrangement to be incorporated into proposals for the site. In the event this is not achievable due to the inability to gain control of the land primary access from Law Place will be considered providing adequate sightlines and junction spacing can be achieved. In this respect minimum visibility splays of 4.5m x 60m in both directions with nothing over 0.9metres in height when measured above the adjacent road channel level will be required. Appropriate junction spacing should be provided, and this should be discussed with Roads and Transportation Services. In addition, a 2m footway should be provided along the Law Place frontage.

Future development of the site will also require to take due cognisance of the ground levels adjoining the site, in particular, the elevated ground along Law Place should an amended vehicular access arrangement be required. Achieving a suitable road gradient, visibility splay, and functional design may require ground works to be carried out. If this is the case consideration, should be given to the need and design of retaining features. The maximum gradient, rising or falling, on the internal access road shall be limited to 2% for a minimum distance of at least 12m from the nearside channel line of Law Place. Thereafter the maximum gradient of carriageway with a flexible surface shall be 8% and for shared surface areas shall be 7%.

The National Roads Development Guide provides detailed criteria on issues such as vehicular access requirements and car parking provision which will be applicable to development of the site.

Active travel

Active travel and the availability and/or provision of public transport facilities should be a fundamental design element of new development. Proposals should therefore promote opportunities for travel by sustainable transport modes. Applications should be accompanied by an active travel plan outlining arrangements to encourage all employees to engage in the use of more sustainable travel modes to reduce the reliance on private car trips. Proposals should incorporate cycling parking and storage and have regard to core paths in the area. An active travel study for East Kilbride has been completed and developers should take this into account.

Climate change

Development proposals are expected to minimise and mitigate against the impact on climate change and reduce greenhouse gas emissions. In particular the following should be taken into consideration in the design process;

- The use of renewable energy sources
- The incorporation of low and zero carbon energy generating technologies
- The avoidance of flood risk within the site and land and property outwith
- The protection of ecosystems by ensuring there is no adverse impact on the water and soil environment, biodiversity and air quality
- Include opportunities for active travel
- Incorporate opportunities to create and enhance green infrastructure
- Provide electric vehicle charging infrastructure. The number required will be based on the number and type of vehicles accessing the site. The developer should ensure that these charge points are located outwith parking bays. The onus is on the developer to meet costs of installation and to agree grid capacity with Scottish Power Networks
- Minimise waste through the provision of appropriate recycling, storage and collection points
- Consider whether the proposals can be connected to heat networks

Air quality

The site is located adjacent to a South Lanarkshire Council Air Quality Management Area (AQMA) at Whirlies Roundabout, East Kilbride. Given the size and location of the site, an Air Quality Impact Assessment (AQIA) is required to be submitted. This assessment should focus on what impact development would have on the AQMA, and include details such as use of the site, scale of development, and numbers and type of associated vehicles. The information submitted would enable an assessment of the change in light duty vehicle movements on the local roads network and would be taken into account in the AQIA which would then work out potential increase on local air pollution. The results would be compared with the National Air Quality objectives and determine the impact of the development on the area and its significance.

Green network

Policy 13 Green Network and Greenspace of SLLDP2 states that new development proposals within affected areas should safeguard the green network and identify proposals for enhancement. The green network can contribute positively to issues such as: mitigating greenhouse gasses adapting to the impacts of climate change; improving air quality and providing water management including flood storage. Although the site contains minimal landscaping at present, any development should positively contribute towards the Green Network objective, with the formation of green landscaping, and consideration to the installation of green and living roofs. Detailed proposals of how this will be achieved must be submitted with any planning application.

Broadband connection

As required by Policy DM1 – New Development Design (Criteria 13), any new development proposals should be designed in such a way as to incorporate high speed broadband connection. To achieve this, developers are now required to install full fibre ducting during the construction phase. This will prevent the road network being dug up at a later date. The installation of (optional) multi fibre ducting would enable a greater choice of service providers.

Flood risk

The Council's Developer Design Guidance: Flood Risk Assessments and Sustainable Drainage Systems (May 2020) highlights the requirements in respect of Flood Risk Assessment and Drainage Strategy for development sites. This guidance should be referred to by the developer when producing their drainage design taking account of future maintenance access and responsibilities. The guide also informs the level of information required in support of future planning submissions.

Historical mapping data indicates the potential for the Lees Burn to have been culverted below or in close proximity to the site boundary. The developer is responsible for satisfying themselves as to the alignment, depth and condition of the culverted section and demonstrate that their design proposals do not impinge on the culvert. Early discussion should take place with the Council's Flood Risk Management team to determine the need for additional information in support of any future planning application.

Ground conditions

The site formed part of the wider Rolls Royce industrial complex and therefore consideration of the impact of the former use on ground conditions will be required to be addressed. Any planning application shall include a comprehensive site investigation to be carried out in accordance with the 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 10175:2001 - British Standards institution 'The Investigation of Potentially Contaminated Sites - Code of Practice'.

If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model should be prepared and these linkages 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. If the risk assessment identifies any unacceptable risks, a detailed remediation strategy will be required.

Report

Report to:	Planning Committee
Date of Meeting:	5 October 2021
Report by:	Executive Director (Community and Enterprise)

Subject:	Designation of Local Nature Reserves
----------	---

1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ Seek approval for the declaration of 16 new Local Nature Reserves (LNR) and an extension to the existing LNR at Langlands Moss under Section 21 of the National Parks and Access to the Countryside Act 1949 (as amended).

2. Recommendation(s)

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

- (1) that committee agree to declare, under Section 21 of the National Parks and Access to the Countryside Act 1949 (as amended), the designation of 16 new LNRs and an extension to the existing LNR at Langlands Moss, as listed in paragraph 4.2 and indicated in the maps attached as appendices to the report.

3. Background

3.1. Local Nature Reserves (LNRs) are areas of natural heritage that are at least locally important. They combine protection of natural heritage with opportunities for people to enjoy, learn about and experience nature close to the communities. Local authorities have powers to select and designate LNRs under Section 21 of the National Parks and Access to the Countryside Act 1949 (as amended).

3.2. There are 75 LNRs in Scotland. There is currently one LNR in South Lanarkshire at Langlands Moss, East Kilbride. Figures vary across Scotland with many other local authorities designating only one or two sites. Glasgow currently has 12 LNRs: North Lanarkshire has 9.

4. Current Position

4.1. The designation of LNRs has been identified as an action in the Council's Biodiversity Duty Implementation Plan (2018-22). In addition the South Lanarkshire Biodiversity Strategy (2018-22): Strategic Outcome 2 states that designated and locally important sites are to be conserved and that Local Nature Reserves are to be identified and designated.

4.2 During the preparation of the South Lanarkshire Local Development Plan 2 (SLLDP2) the provision of 16 new LNRs was proposed through the identification of the following sites. Maps showing the location of these sites are found in the appendices to the report.

- ◆ Backmuir Woods, Hamilton
- ◆ Blantyre, Bothwell and Uddingston
- ◆ Cadzow Glen, Hamilton
- ◆ Fernbrae Meadows, Rutherglen
- ◆ Greenhall, Millheugh and Barnhill, Blantyre
- ◆ Hamilton Low Parks, Hamilton
- ◆ Holmhill Wood Community Park, Cambuslang
- ◆ James Hamilton Heritage Park, East Kilbride
- ◆ Jock's Burn, Carluke
- ◆ Milton, Carluke
- ◆ Morgan Glen, Larkhall
- ◆ Mossneuk, East Kilbride
- ◆ Neilsland and Earnock, Hamilton
- ◆ Stonehouse Park, Stonehouse
- ◆ Udston and Glenlee Woods, Hamilton
- ◆ Westburn, Cambuslang

In addition, an extension to the existing Langlands Moss LNR was proposed.

4.3 The indicative boundaries of the proposed LNRs were shown as proposals on the Strategy Map in the Proposed Plan which was the subject of public consultation. In accordance with the statutory requirements for development plans, all addresses which neighbour the sites were notified directly as part of the consultation. In addition, an advertisement was placed in the local press. Existing community groups associated with sites were also notified and have been able to comment on plans.

4.4 The outcome of the consultation exercise on the proposed plan was reported to Planning Committee on 26 February 2019. 25 representations relating to the LNRs were received. The vast majority of comments were strongly supportive of the proposal to establish new LNRs. A small number of responses raised detailed issues regarding particular sites. These are matters which would be addressed through management plans for the sites. The representations were then considered during the Examination that took place in 2019/20. The Reporters recommendations were set out in the Examination Report received in August 2020 which in turn was reported to the Planning Committee on 1 December 2020. SLLDP2 was adopted by the Council on 9 April 2021. The adopted Plan states that the Council will develop a programme for the formal designation of the LNRs, and will prepare supporting planning guidance, including the maps showing the site boundaries.

5. Next Steps

- 5.1. This report is seeking approval for a declaration to be made that the proposed LNRs have been formally designated by the Council. A draft management statement has been prepared for each site which gives information on its importance in nature conservation terms and setting out the aims for the site in the future. This document includes information about all the sites and describes the work carried out to date, the extent and type of community involvement, and plans for the future. They are available on the Council's website.
- 5.2 Within three years of the formal designation of a LNR, the Council is required to prepare a full management plan for each site. This will expand on objectives and actions outlined in the existing management statements providing detailed information on projects, timelines and potential funding sources. These documents commit the Council to consulting, engaging with and involving communities in the designation and management of proposed LNRs, and to providing opportunities for all to engage with nature, use sites for volunteering, education and health improvement.
- 5.3 Some sites have already had significant investment to improve access to them and other infrastructure. Similarly some have active community groups who are closely involved in the management of the sites. At the same time the opposite is the case for some of the sites. The Countryside and Greenspace team will continue to work in partnership with the local communities to ensure that the ecological quality of the sites is maintained and managed; to foster an understanding and facilitate enjoyment of the natural heritage of the park; and to increase public use through improved access, interpretation, education and promotion of sites. Each site has a Countryside Ranger who will work with the local community, groups and schools.
- 5.4 Two sites (Backmuir Woods and Low Parks) include Common Good assets. Under the Community Empowerment (Scotland) Act 2015 these areas will be subject to further separate community consultation before designation can proceed. Should there be no objections, LNR designation of these areas will be progressed.
- 5.5 One site (Fernbrae Meadows) includes an area that, while within the administrative boundaries of South Lanarkshire, is owned by Glasgow City Council and is managed by them as part of the adjacent Cathkin Braes. The Council will seek to enter into an agreement with Glasgow City Council to designate the area as a LNR if these proposals are approved. It will continue to be owned and managed by Glasgow City Council and places no additional burden on South Lanarkshire Council.
- 5.6 Designation of these sites as LNRs has been progressing in consultation with NatureScot which is required under Section 21(6) of the National Parks and Access to the Countryside Act 1949. Guidance on the designation of LNRs states that sites should
 - ◆ provide accessible, positive, current or potential informal opportunities for raising people's awareness, understanding and enjoyment of, and involvement with, their local natural heritage and
 - ◆ be, or have the potential to be, of special natural heritage interest in the area, through good management and safeguarding of the site.

All of the sites are located within South Lanarkshire, are owned by South Lanarkshire Council and have been identified as being of value due to their biodiversity, cultural history, community value, educational use and/or accessibility. Nature Scot have confirmed that they are supportive of the designations and welcome the commitment of South Lanarkshire Council to work towards fulfilling the potential of each site, in partnership with the local community. They therefore endorse the declaration of the sites as Local Nature Reserves.

- 5.7 If Committee agrees the recommendation then a Local Nature Reserve declaration will be published to provide public notification of the existence of the newly declared sites. Once declared, the areas will be managed as nature reserves as outlined in the draft management statements.

6. Employee Implications

- 6.1. With the exception of Fernbrae Meadows, as discussed at paragraph 5.5, the sites are entirely owned by South Lanarkshire Council and maintained by Grounds Services with grounds maintenance regimes in place; no additional staff time is required for the planned ongoing site management.

7. Financial Implications

- 7.1. At present there are no resource implications for the Council arising from the proposed declaration. The site management plans, once completed will highlight key areas requiring investment. These will link with responsibilities as part of the Core Path Network, Open Space Strategy (forthcoming), Biodiversity Duty, and Sustainable Development and Climate Change Strategy.
- 7.2. Ongoing maintenance of land and repairs to infrastructure will require to be met by Council budgets, potentially alongside external funding as required. There is already good partnership working with community groups at many sites where external partners contribute significantly to fund raising for work on Council land.
- 7.3. Scottish Government have recently awarded Nature Restoration Funds to Local Authorities; this can be used to enhance the biodiversity of proposed LNRs. There is potential for other funding streams such as the Climate Emergency Fund to improve urban greenspaces and their outdoor access.

8. Climate Change, Sustainability and Environmental Implications

- 8.1. The management of sites for biodiversity has the potential to help mitigate the effects of climate change for example through natural flood management and carbon storage. There is also a need for biodiversity to be improved to make natural systems better able to cope with the impacts of a changing climate, such as improving habitat networks to increase species resilience.
- 8.2. Biodiversity actions are incorporated in the Council's Sustainable Development and Climate Change Strategy. Measures are reported on through statutory Climate Change Duties.
- 8.3 Strategic Environmental Assessment was carried out on the adopted SLLDP2 and no further SEA is required.

9. Equality Impact Assessment and Consultation Arrangements

- 9.1. This report does not introduce a new or recommend a change to existing policy, function or strategy; therefore no impact assessment is required. Consultation has been undertaken with residential neighbours to sites, the general public, site community groups and NatureScot.

Michael McGlynn

Executive Director (Community and Enterprise Resources)

14 September 2021

Link(s) to Council Objectives and Values

- ◆ Improve the quality of life of everyone in South Lanarkshire
- ◆ Make communities safer, stronger and sustainable
- ◆ Improve achievement, raise educational attainment and support lifelong learning
- ◆ Encourage participation in physical and cultural activities
- ◆ Work with communities and partners to promote high quality, thriving and sustainable communities
- ◆ Improve achievement, raise educational attainment and support lifelong learning
- ◆ Accountable, effective, efficient and transparent

Previous References

- ◆ Planning Committee Report 26 February 2019: South Lanarkshire Local Development Plan 2
- ◆ Planning Committee Report 1 December 2020 : South Lanarkshire Local Development Plan 2

List of Background Papers

- ◆ South Lanarkshire Biodiversity Strategy
- ◆ Biodiversity Duty Implementation Plan
- ◆ South Lanarkshire Local Development Plan 2
- ◆ Letter from Nature Scot dated 9 September 2021

Contact for Further Information

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

Sheila Alderson, Planning Officer

Sheila.alderson@southlanarkshire.gov.uk

Louisa Maddison, Biodiversity Officer

Tel: 07788 351 851

E-mail: louisa.maddison@southlanarkshire.gov.uk

Appendices – Site maps

