



Council Offices, Almada Street
Hamilton, ML3 0AA

Tuesday, 30 May 2023

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, 06 June 2023

Time: 10:00

Venue: Hybrid - Committee Room 1, Council Offices, Almada Street, Hamilton, ML3 0AA

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

Yours sincerely

Cleland Sneddon
Chief Executive

Members

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

Substitutes

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

BUSINESS

1 Declaration of Interests

- 2 Minutes of Previous Meeting** 5 - 10
Minutes of the meeting of the Planning Committee held on 9 May 2023 submitted for approval as a correct record. (Copy attached)

Item(s) for Decision

- 3 Application P/21/0929 - Development of 33 Park Homes with Associated Access Roads, Landscaping and Ancillary Office and Community Facilities at Former Tileworks, Waterlands Road, Law** 11 - 24
Report dated 25 May 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 4 Application P/22/0737 - Demolition of Agricultural Buildings and Erection of 6 Detached Houses, Access, Car Parking, Landscaping and Associated Infrastructure at Millhouse Farm, Shields Road, East Kilbride** 25 - 34
Report dated 18 May 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 5 Application P/22/0967 - Formation of 2 House Plots with Associated Access and Subdivision of Garden Ground to Form an Additional Plot at Glenavon Farm, Millheugh Road, Stonehouse** 35 - 46
Report dated 25 May 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 6 Application P/22/1053 - Erection of a 1½ Storey Detached House, Formation of Vehicular Access and Parking at Land Adjacent to Stoney Meadow Cottage, Stoney Meadow Road, East Kilbride** 47 - 58
Report dated 26 May 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 7 Application P/22/1178 - Erection of House with Associated Access and Parking at Plot 3, Land 50 Metres South Southwest of 1 Milton Cottage, Milton Road, Carluke** 59 - 70
Report dated 25 May 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 8 Application P/22/1247 - Change of Use from Agricultural to Horticultural and Landscape Gardening Yard and Orchard for Soils, Gravel and a Maximum of 2 Screened Off Shipping Containers at Land 50 Metres Northeast of Dalton School Lodge, Flemington Road, Cambuslang** 71 - 84
Report dated 26 May 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 9 Application P/22/1463 - Erection of 50 Detached Houses, Associated Parking and Infrastructure (Approval of Matters Specified in Condition 1 (a to r) of Planning Consent EK/09/0218) at Land 450 Metres East Southeast of Easter House, Newhouse Road, East Kilbride** 85 - 98
Report dated 26 May 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)

- 10 Application P/22/1507 - Erection of 5 Houses with Associated Works Including Treatment Plant with Soakaway Area and New Vehicular Access for Existing House at Site of Former Fence Nursery, Fence Terrace, Tillietudlem, Lanark** 99 - 108
Report dated 25 May 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 11 Application P/22/1768 - Erection of Rear Extension with Garage on Ground Floor with Self-Contained Extended Family Accommodation Unit Above at Logie Green, 2 Glenview, Larkhall** 109 - 116
Report dated 25 May 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 12 Application P/23/0241 - Planning Permission in Principle for Residential Development (Section 42 Application to Amend Planning Condition 3 Relating to Planting Details of Planning Consent P/19/1546) at Dalquhandy Opencast Coal Site, Middlemuir Road, Coalburn, Lanark** 117 - 130
Report dated 26 May 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 13 Application P/23/0257 - Siting of Mobile Snack Van Outside 5A Law Place, Nerston Industrial Estate, East Kilbride** 131 - 140
Report dated 26 May 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)

Urgent Business

14 Urgent Business

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

For further information, please contact:-

Clerk Name:	Stuart McLeod
Clerk Telephone:	07385 370 117
Clerk Email:	stuart.mcleod@southlanarkshire.gov.uk

PLANNING COMMITTEE

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Minutes of meeting held via Confero and in Committee Room 1, Council Offices, Almada Street, Hamilton on 9 May 2023

Chair:

Councillor Richard Nelson

Councillors Present:

Councillor Alex Allison, Councillor Ralph Barker, Councillor Archie Buchanan, Councillor Ross Clark, Councillor Gerry Convery (Depute), Councillor Margaret Cowie, Councillor Mary Donnelly, Councillor Alistair Fulton, Councillor Celine Handibode, Councillor Mark Horsham, Councillor Ross Lambie, Councillor Lesley McDonald, Councillor Davie McLachlan, Councillor Norman Rae, Councillor John Ross, Councillor Graham Scott, Councillor David Shearer, Councillor Bert Thomson (*substitute for Councillor Maureen Devlin*), Councillor Helen Toner, Councillor David Watson

Councillors' Apologies:

Councillor Maureen Devlin, Councillor Joe Fagan (ex officio), Councillor Gladys Ferguson-Miller, Councillor Elise Frame, Councillor Monique McAdams

Attending:

Community and Enterprise Resources

B Darroch, Planning and Building Standards Manager (East); F Carlin, Head of Planning and Regulatory Services; S Laird, Engineering Manager (Transportation Engineering); F Jack, Team Leader, Development Management Team, Roads and Transportation Services; T Meikle, Planning and Building Standards Manager (West)

Finance and Corporate Resources

M Cannon, Solicitor; S Jessup, Administration Assistant; S McLeod, Administration Officer

1 Declaration of Interests

The following interest was declared:-

Councillor(s)	Item(s)	Nature of Interest(s)
McDonald	Application P/22/1751 for Use of Vacant Ground as External Activity Area Associated with Adjacent Childcare Premises at Block 7, South Avenue, Blantyre Industrial Estate, Blantyre	Known to the Agent

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 21 March 2023 were submitted for approval as a correct record.

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

3 Application P/19/0097 for Erection of 3 Wind Turbines with a Blade Tip Height of 24.8 Metres and a Hub Height of 18.3 Metres at Land 210 Metres West of O’Cathian House, Hayhill Road, Thorntonhall

A report dated 28 April 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/0097 by Jackton Estates Limited for the erection of 3 wind turbines with a blade tip height of 24.8 metres and a hub height of 18.3 metres at land 210 metres west of O’Cathian House, Hayhill Road, Thorntonhall.

Following discussion, during which an officer responded to a member’s question on an aspect of the report, Councillor Nelson, seconded by Councillor Convery, moved that the application be refused for the reasons detailed in the Executive Director’s report. Councillor Scott, seconded by Councillor Thomson, moved that the application be deferred to allow more time for both parties to resolve the issues in terms of the Radar Mitigation Scheme on the grounds that jobs and further employment opportunities were potentially at stake. On a vote being taken using the electronic voting system, 8 members voted for the motion and 11 for the amendment which was declared carried.

The Committee decided: that planning application P/19/0097 by Jackton Estates Limited for the erection of 3 wind turbines with a blade tip height of 24.8 metres and a hub height of 18.3 metres at land 210 metres west of O’Cathian House, Hayhill Road, Thorntonhall be deferred to allow more time for both parties to resolve the issues in terms of the Radar Mitigation Scheme on the grounds that jobs and further employment opportunities were potentially at stake.

Councillor Ross left the meeting during consideration of the above item of business and prior to the vote

4 Application P/19/0587 for Residential Development (12 Detached Houses and Associated Garages) at Land 47 Metres Southwest of 11 Waterlands Road, Waterlands Road, Law, Carluke

A report dated 28 April 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/0587 by RoCo Property Development Limited for a residential development (12 detached houses and associated garages) at land 47 metres southwest of 11 Waterlands Road, Waterlands Road, Law, Carluke.

The Committee decided: that planning application P/19/0587 by RoCo Property Development Limited for a residential development (12 detached houses and associated garages) at land 47 metres southwest of 11 Waterlands Road, Waterlands Road, Law, Carluke be refused for the reasons detailed in the Executive Director’s report.

Councillor Ross re-joined the meeting during consideration of the above item of business

5 Application P/20/0969 for Erection of 3 Houses and Formation of Vehicle Access at Land 80 Metres North of Meadowfield Farm, Lanark Road, Braidwood, Carluke

A report dated 28 April 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0969 by I Potter for the erection of 3 houses and formation of vehicle access at land 80 metres north of Meadowfield Farm, Lanark Road, Braidwood, Carluke.

The Committee decided: that planning application P/20/0969 by I Potter for the erection of 3 houses and formation of vehicle access at land 80 metres north of Meadowfield Farm, Lanark Road, Braidwood, Carluke be refused for the reasons detailed in the Executive Director's report.

6 Application P/20/1268 for Demolition of Farmhouse and Associated Buildings and Erection of 11 Houses with Access Road, Parking Provision and Associated Works at West Mains Farm, Manse Road, Stonehouse, Larkhall

A report dated 28 April 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/1268 by T Allan for the demolition of a farmhouse and associated buildings and the erection of 11 houses with access road, parking provision and associated works at West Mains Farm, Manse Road, Stonehouse, Larkhall.

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

The Committee decided: that planning application P/20/1268 by T Allan for the demolition of a farmhouse and associated buildings and the erection of 11 houses with access road, parking provision and associated works at West Mains Farm, Manse Road, Stonehouse, Larkhall be refused for the reasons detailed in the Executive Director's report.

Councillor McLachlan joined the meeting during consideration of the above item of business

7 Application P/22/1096 for Erection of Single Storey Detached House and Double Garage at Woodend, Mousebank Road, Lanark

A report dated 28 April 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/1096 by J and C Cuthell for the erection of a single storey detached house and double garage at Woodend, Mousebank Road, Lanark.

The Committee decided: that planning application P/22/1096 by J and C Cuthell for the erection of a single storey detached house and double garage at Woodend, Mousebank Road, Lanark be refused for the reasons detailed in the Executive Director's report.

[Reference: Minutes of 1 December 2020 (Paragraph 7)]

8 Application P/22/1122 for Erection of Single House with Associated Access and Parking at Land at Peel Road, Thorntonhall

A report dated 28 April 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/1122 by L Hyslop for the erection of a single house with associated access and parking at land at Peel Road, Thorntonhall.

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

The Committee decided: that planning application P/22/1122 by L Hyslop for the erection of a single house with associated access and parking at land at Peel Road, Thorntonhall be refused for the reasons detailed in the Executive Director's report.

9 Application P/22/1503 for Erection of Extension to 3 Warehouses at John Dewar Whisky, Access from B7078 to Dalquhandy Quarry, Douglas, Lanark

A report dated 28 April 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/1503 by John Dewar and Sons Limited for the erection of an extension to 3 warehouses at John Dewar Whisky, Access from B7078 to Dalquhandy Quarry, Douglas, Lanark.

The Committee decided: that planning application P/22/1503 by John Dewar and Sons Limited for the erection of an extension to 3 warehouses at John Dewar Whisky, Access from B7078 to Dalquhandy Quarry, Douglas, Lanark be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 28 March 2017 (Paragraph 14)]

10 Application P/22/1746 for Change of Use from Vacant Office (Class 4) to Cafe/Bistro/Restaurant (Class 3) with Associated External Seating Area at David Dale's House, Rosedale Street, New Lanark, Lanark

A report dated 28 April 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/1746 by New Lanark Trust for the change of use from a vacant office (Class 4) to a café/bistro/restaurant (Class 3) with an associated external seating area at David Dale's House, Rosedale Street, New Lanark, Lanark.

The Committee decided: that planning application P/22/1746 by New Lanark Trust for the change of use from a vacant office (Class 4) to a café/bistro/restaurant (Class 3) with an associated external seating area at David Dale's House, Rosedale Street, New Lanark, Lanark be granted subject to the conditions specified in the Executive Director's report.

11 Application P/22/1751 for Use of Vacant Ground as External Activity Area Associated with Adjacent Childcare Premises at Block 7, South Avenue, Blantyre Industrial Estate, Blantyre

A report dated 28 April 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/1751 by Action for Children for the use of vacant ground as an external activity area associated with adjacent childcare premises at Block 7, South Avenue, Blantyre Industrial Estate, Blantyre.

The Committee decided: that planning application P/22/1751 by Action for Children for the use of vacant ground as an external activity area associated with adjacent childcare premises at Block 7, South Avenue, Blantyre Industrial Estate, Blantyre be granted subject to the conditions specified in the Executive Director's report.

Councillor McDonald having declared an interest in this item, withdrew from the meeting during its consideration

12 Application P/22/1764 for Erection of 12 Flats with Associated Vehicular Access, Parking and Landscaping (Amendment to Consent P/22/0927) at Low Waters Miners Welfare and Social Club, 4 Alness Street, Hamilton

A report dated 28 April 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/1764 by the West of Scotland Housing Association for the erection of 12 flats with associated vehicular access, parking and landscaping (amendment to planning consent P/22/0927) at Low Waters Miners Welfare and Social Club, 4 Alness Street, Hamilton.

The Committee decided: that planning application P/22/1764 by the West of Scotland Housing Association for the erection of 12 flats with associated vehicular access, parking and landscaping (amendment to planning consent P/22/0927) at Low Waters Miners Welfare and Social Club, 4 Alness Street, Hamilton be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 11 October 2022 (Paragraph 17)]

13 Application P/22/1789 for Formation of 2 House Plots at Lockhart Mill Farm, C4 from Greentowers Road to Mousebank Road, Lanark

A report dated 28 April 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/1789 by Mr and Mrs Stirling for the formation of 2 house plots at Lockhart Mill Farm, C4 from Greentowers Road to Mousebank Road, Lanark.

The Committee decided: that planning application P/22/1789 by Mr and Mrs Stirling for the formation of 2 house plots at Lockhart Mill Farm, C4 from Greentowers Road to Mousebank Road, Lanark be refused for the reasons detailed in the Executive Director's report.

14 Application P/23/0015 for Erection of Community Workshop (Sui Generis) with Associated Vehicle Access Yard, Boundary Treatments, Parking and Access at Land Northeast of Scottish Equestrian Centre, Hyndford Road, Lanark

A report dated 28 April 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/23/0015 by South Lanarkshire Council for the erection of a community workshop (sui generis) with associated vehicle access yard, boundary treatments, parking and access at land northeast of the Scottish Equestrian Centre, Hyndford Road, Lanark.

The Committee decided: that planning application P/23/0015 by South Lanarkshire Council for the erection of a community workshop (sui generis) with associated vehicle access yard, boundary treatments, parking and access at land northeast of the Scottish Equestrian Centre, Hyndford Road, Lanark be granted subject to the conditions specified in the Executive Director's report.

15 Application P/23/0036 for Erection of Community Enterprise Centre (Class 10) Including Office Space, Training Kitchen, Multi-Purpose Rooms and a Bicycle Workshop and Retail (Class 1) and Associated Access, Parking, Fencing and Landscaping at Land Northeast of Scottish Equestrian Centre, Hyndford Road, Lanark

A report dated 28 April 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/23/0036 by South Lanarkshire Council for the erection of a community enterprise centre (Class 10) including office space, training kitchen, multi-purpose rooms, bicycle workshop and retail (Class 1) and associated access, parking, fencing and landscaping at land northeast of the Scottish Equestrian Centre, Hyndford Road, Lanark.

The Committee decided:

that planning application P/23/0036 by South Lanarkshire Council for the erection of a community enterprise centre (Class 10) including office space, training kitchen, multi-purpose rooms, bicycle workshop and retail (Class 1) and associated access, parking, fencing and landscaping at land northeast of the Scottish Equestrian Centre, Hyndford Road, Lanark be granted subject to the conditions specified in the Executive Director's report.

16 Urgent Business

There were no items of urgent business.

Report

3

Report to:	Planning Committee
Date of Meeting:	6 June 2023
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/21/0929
Planning proposal:	Development of 33 park homes with associated access roads, landscaping and ancillary office and community facilities

1 Summary application information

Application type:	Detailed planning application
Applicant:	Mrs Isobel Townsley
Location:	Former Tileworks Waterlands Road Law

2 Recommendation(s)

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

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

2.2 Other actions/notes

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

3 Other information

- ◆ Applicant's Agent: Aitchison Architects
- ◆ Council Area/Ward: 01 Clydesdale West
- ◆ Policy Reference(s): **National Planning Framework 4 (2023)**
 - Policy 1 - Tackling the climate and nature crises
 - Policy 2 - Climate mitigation and adaptation
 - Policy 3 - Biodiversity
 - Policy 4 - Natural places
 - Policy 8 - Green belts
 - Policy 9 - Brownfield, vacant and derelict land and empty buildings
 - Policy 15 - Local Living and 20 minute neighbourhoods
 - Policy 16 - Quality homes
 - Policy 22 - Flood risk and water management

South Lanarkshire Local Development Plan 2 (2021)

Policy 2 - Climate Change

Policy 4 - Green Belt and Rural Area

Policy 5 - Development Management and Placemaking

Policy - 16 Water Environment and Flooding

Policy GBRA1 - Rural Design and Development

Policy GBRA5 - Redevelopment of Previously Developed Land Containing Buildings

Policy GBRA8 - Development of Gap Sites

Policy GBRA9 - Consolidation of Existing Building Groups

Policy SDCC2 - Flood risk

◆ Representation(s):

▶	132	Objection Letters
▶	10	Support Letters
▶	1	Comment Letter

◆ Consultation(s):

Roads Flood Risk Management

Roads Development Management Team

Environmental Services

Scottish Water

The Coal Authority Planning and Local Authority Liaison

Carluke Community Council

SEPA Flooding

Planning Application Report

1 Application Site

- 1.1 The application site (1.90 ha) is located in designated Green Belt on the site of a former tile works located between Carluke and Law. The tile works operated until the 1970s. However, the associated buildings and infrastructure have subsequently been demolished. The closest of the two settlements is Law, which lies approximately 600m to the north west.
- 1.2 The site is bounded to the north by a cottage and associated curtilage and scrubland, to the east by marshland and a large pond, to the south by open grasslands and scrub, and to the west by Waterlands Road. Beyond which is a cottage and a compound containing caravans – further to the west is the main West Coast railway line.
- 1.3 Originally the site contained works for manufacturing tiles and included on site waste disposal, kilns, manufacturing areas, stores, offices, off load storage plus road and rail access. Now all that visibly remains are the foundations of floors and foundations of some of the buildings. Elsewhere, outwith the hardstanding and disturbed areas, the site has generally regenerated with grassland, marsh and marsh grassland featuring around the northern and eastern peripheries. The topography slopes in a southwest/northeast direction. The site is accessed from the public adopted section of Waterlands Road. Waterlands Road, continues as a Right of Way to Carluke.

2 Proposal(s)

- 2.1 The applicant seeks permission for 33, two bedroom static caravans which would be used to provide permanent residential accommodation. They would be arranged around a circular access. Each caravan would have two parking spaces, decking to the front and side, whilst the remaining area surrounding each unit would be used as garden ground.
- 2.2 A separate unit would be placed at the entrance and function as a site office and community hub. A communal carpark would also be located near the entrance. The caravans would be serviced from an existing water and electricity supply. Individual air source heat pumps, solar panels and water harvesting would also be considered as options for generating power/heat and an alternative water supply. Sewerage proposals would involve the installation of a pump system serving the whole site, piped to the public network at the Waterlands Road/Bellgrove junction.
- 2.3 The application is supported by the following documents: Design and Access Statement, Mineral Stability Risk Assessment, Flood Risk Assessment, SUDS Report and Ecological Assessment.

3 Development Plan

3.1 National Planning Framework 4 (2023)

- 3.1.1 Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the South Lanarkshire Local Development Plan 2 (SLLDP2) (adopted 9 April 2021) and National Planning Framework 4 (NPF4) (adopted by Scottish Ministers on 13 February 2023). Section 24(3) of the 1997 Act confirms that if there is an inconsistency between NPF4 policies and a Local Development Plan which was adopted before 13 February 2023, then the policies in NPF4 prevail.

3.1.2 The following NPF4 policies are of relevance in the assessment of this proposal:-

- Policy 1 - Tackling the climate and nature crises
- Policy 2 - Climate mitigation and adaptation
- Policy 3 - Biodiversity
- Policy 8 - Green belts
- Policy 9 - Brownfield, vacant and derelict land and empty buildings
- Policy 15 - Local Living and 20 minute neighbourhoods
- Policy 16 - Quality Homes
- Policy 22 - Flood risk and water management

3.2 **South Lanarkshire Local Development Plan 2 (2021)**

3.2.1 The application site is designated as green belt land in the South Lanarkshire Local Development Plan 2 (SLLDP2). The relevant policies in terms of the assessment of the application are:-

- Policy 2 - Climate Change
- Policy 4 - Green Belt and Rural Area
- Policy 5 - Development Management and Placemaking
- Policy 16 - Water Environment and Flooding
- Policy GBRA1 - Rural Design and Development
- Policy GBRA5 - Redevelopment of Previously Developed Land Containing Buildings
- Policy GBRA8 - Development of Gap Sites
- Policy GBRA9 - Consolidation of Existing Building Groups
- Policy SDCC2 - Flood Risk

3.3 **Planning Background**

3.3.1 There have been no previous planning applications affecting this site.

4 **Consultation(s)**

4.1 **Roads and Transportation Services** – No objection subject to conditions covering access, footpaths, visibility, parking, the upgrading and widening of Waterlands Road and a Traffic Management Plan.

Response: Noted.

4.2 **Environmental Services** - No objections subject to conditions covering contaminated land investigations, assessment of affects of noise and vibration from the railway, and storage and disposal of refuse. It is noted that a site licence would be required under the Caravan and Control of Development Act 2014 and the licensing of Relevant Permanent Sites (Scotland) Regulations 2016.

Response: Noted.

4.3 **Scottish Water** - There is sufficient capacity at the Camps Water Treatment Works. There is no public sewer within the vicinity therefore the applicant should investigate options for a private treatment system. For reasons of sustainability and to protect their customers from potential future sewer flooding, Scottish Water would not accept any surface water connections into their combined sewer system.

Response: Noted.

4.4 **The Coal Authority** – Since their initial objection to the proposal, a Mineral Stability Risk Assessment prepared by NPL Environmental Limited (dated 10 June 2021), has been submitted which confirms an assessment of up-to-date geological and mining information. The report confirms the mineral support conditions beneath the site to be satisfactory on the basis that sufficient competent rock cover exists between all of the

seams identified and the base of the foundations. The Coal Authority therefore withdrew its objection to this planning application.

Response: Noted.

- 4.5 **Carluke Community Council** – No response to date.

Response: Noted.

- 4.6 **Scottish Environmental Protection Agency (SEPA)** – Are satisfied that there is not a risk of flooding to the development site from the nearby burn and associated drainage channels and that the requirements of NPF4 Policy 22 are achievable. As such, they have no objection to this application on the grounds of flood risk.

Response: Noted.

5 Representation(s)

- 5.1 Following the statutory period of neighbour notification and advertisement in the local press, a total of 132 objections, 10 support letters and 1 comment have been received. The issues raised are summarised as follows:-

Objections:

Amenity

- ◆ Too close to neighbouring properties
- ◆ Detract from the character of the rural area
- ◆ Noise
- ◆ Impact upon privacy
- ◆ Waste
- ◆ Adverse impact upon neighbouring properties and livestock and kennels

Land Use Concerns

- ◆ Inappropriate development for a Green Belt location – contrary to Local and NPF4 policies on greenbelt
- ◆ Development on contaminated land
- ◆ Loss of recreational space which is good for physical and mental health
- ◆ Need for housing should be met by traditional affordable housing and not caravans

Impact on Natural Environment

- ◆ Adverse impact upon landscape
- ◆ No evidence that land cannot revert to agricultural land
- ◆ Impact upon ecology
- ◆ Inadequate drainage
- ◆ Flood risk

Roads Related Matters

- ◆ Impact upon infrastructure
- ◆ Traffic and public safety issues
- ◆ Limited public transport - no train station
- ◆ Accessibility for disabled people
- ◆ Impact upon walkway from Carluke to Law

Other Matters Raised

- ◆ How will the proposed age of residents be enforced?
- ◆ No independent Environmental Impact Assessment (EIA) undertaken
- ◆ Power outages and strain on electrical network
- ◆ Static caravans are unsuitable as retirement homes

- ◆ Schools have insufficient capacity
- ◆ Impact upon tourism – discourage people from visiting
- ◆ The parkhomes are neither individually designed, contemporary or innovative
- ◆ No health service
- ◆ Fire risk

Support:-

- ◆ Affordable housing
- ◆ Help local businesses
- ◆ Bring more custom for local businesses
- ◆ Reuse of waste ground for retirement homes

5.2 Other non-material planning comments were included in representations. These points relate to:-

- ◆ Impact upon house prices
- ◆ Land ownership concerns relating to the pond
- ◆ That there are alternative sites elsewhere for this type of development

5.3 These representations 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 National Planning Framework 4 (NPF4) and adopted South Lanarkshire Local Development Plan 2 (SLLDP2).

6.2 NPF4 Policy 1 requires that when considering all development proposals, significant weight will be given to the global climate and nature crises. NPF4 Policy 2 Climate Change and Mitigation expands on this, requiring all new developments to be sited and designed (1) to minimise lifecycle greenhouse gas emissions as far as possible and (2) to adapt to the current and future risks from climate change. The Chief Planner letter (4 February 2023) confirms that at this stage, quantitative assessments are not expected for all applications. In the absence of a methodology for measuring the emissions which would result from the proposed buildings, it is considered appropriate at this time to instead consider the general sustainability of the proposal in land-use planning terms (whether the use of brownfield land is supportable when assessed against other relevant policies in NPF4) and use that as an indicator about whether or not it is likely to minimise emissions and adapt to current and future impacts of climate change.

6.3 NPF4 Policy 3 Biodiversity states that development proposals should contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats, and building and strengthening nature networks and the connections between them. The application was supported by an ecological assessment which contains recommendations relating to the protection and enhancement of wildlife, habitats, and flora. The proposal would comply with the objectives of this policy subject to compliance with, and the implementation of the recommendations contained within the ecological assessment.

6.4 NPF4 Policy 4 Natural Places, states development proposals which by virtue of type, location or scale which would have an unacceptable impact on the natural environment, are not to be supported. The site does not fall within a designated Special Landscape Area or nature conservation site. No features of significant

landscape or ecological value would be affected. As such, the proposal is considered acceptable in terms of Policy 4 of NPF4.

6.5 NPF4 Policy 8 – Green Belts states that development proposals will only be supported within green belts where they (i) are for:-

- ◆ Development associated with agriculture, woodland creation, forestry;
- ◆ Residential accommodation required for a key worker in a primary industry within the immediate vicinity of their place of employment;
- ◆ Horticulture, including market gardening;
- ◆ Outdoor recreation, play and sport or leisure and tourism use;
- ◆ Flood risk management;
- ◆ Essential infrastructure or new cemetery provision;
- ◆ Minerals operations and renewable energy developments;
- ◆ Intensification of established uses, including ancillary extensions to existing buildings;
- ◆ The re-use or rehabilitation of historic environment assets; or
- ◆ One-for-one replacements of existing permanent homes.

and (ii) when reasons are provided as to why:-

- ◆ A green belt location is essential;
- ◆ The purpose of the greenbelt at that location is not undermined;
- ◆ The proposal is compatible with the surrounding established countryside and landscape character;
- ◆ The proposal has been designed to an appropriate scale, massing and external appearance to minimise visual impact; and
- ◆ There will be no significant long-term impacts on the environmental quality of the green belt.

The proposal for park homes does not meet any of the above criteria in part (i) of the policy and does not pass the test in part (ii) relating to an essential greenbelt location. As such the proposal is contrary to Policy 8 of National Planning Framework 4.

6.6 Policy 9 - Brownfield, vacant and derelict land and empty buildings aims to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and buildings to help reduce the need for greenfield development. As advised earlier in this report, the application site has generally been cleared, with areas returning to a naturalised state. Policy 9 states that when determining whether the reuse of a brownfield site is sustainable, the biodiversity value of the brownfield land which has naturalised should be taken into account. The site relates to a former tile works and an appropriate contaminated land assessment and remediation strategy would be required in order to demonstrate that the site was suitable for the intended use. In the absence of such documentation, the proposals cannot be fully assessed in terms of Policy 9. However, even if the development of the site were to meet the relevant criteria under Policy 9, the fact that the site is brownfield would not outweigh the proposals variance with Policy 8 – Green Belts of NPF4.

6.7 NPF4 Policy 14 – Design, quality and place advises that proposals will be supported where they are consistent with the six qualities of successful places. It confirms that proposals which are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of place will not be supported. The proposed erection of a residential development in the green belt, contrary to policies designed to preserve that green belt, is not considered to be characteristic of a sustainable place and as such is contrary to Policy 14 of NPF4.

- 6.8 NPF4 Policy 15 – Local living and 20 minute neighbourhoods seeks to create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their homes, preferably by using sustainable transport options. A site placed just beyond the settlement boundary would have access to a significant number of criteria listed in Policy 15. However, it should also be noted that encouraging new homes just outwith approved settlement boundaries, within designated green belt, leads to exactly the sort of sprawled out, unconnected residential area lacking facilities and services that this policy is designed to avoid. Whilst residents might indeed have access to many of the facilities/benefits of local living identified in the policy, the development itself would run directly contrary to the policy intent, namely to create connected and compact settlements and mixed-use neighbourhoods. As such, the proposal is not considered compatible with the intent of Policy 15 of NPF4.
- 6.9 NPF4 Policy 16 - Quality homes seeks to encourage, promote and facilitate the delivery of high quality homes, in the right locations. It advises that development proposals for new homes on land not allocated for housing in the Local Development Plan will only be supported in limited circumstances where:-
- i. the proposal is supported by an agreed timescale for build-out;
 - ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods;
 - iii. and either delivery of sites is happening earlier than identified in the deliverable housing land pipeline, or the proposal is consistent with policy on rural homes, or the proposal is for smaller scale opportunities within an existing settlement boundary; or the proposal is for the delivery of less than 50 affordable homes.
- 6.10 The proposed development is not consistent with the spatial strategy and other relevant policies in the plan and whilst it does relate to the delivery of affordable homes, it does not involve; delivery of a site in the housing land pipeline, housing in the rural area or an opportunity within the existing settlement boundary. As such the proposal is directly contrary to Policy 16 – Quality Homes of NPF4.
- 6.11 NPF4 Policy 22 - Flood risk and water management aims to ensure that development proposals do not increase the risk of flooding and incorporates appropriate sustainable urban drainage systems (SUDS) into the development. The SUDS Report which was submitted indicates that surface water runoff would be provided through a combined swale/filter trench located along the northern boundary, with an outfall to the north-east marshland. The Flood Risk Assessment concludes that the development would not be affected by flooding or contribute to flooding elsewhere. The intention is to connect the development into the public water supply. Therefore, the development would not compromise the objectives of Policy 22 of NPF4.
- 6.12 In terms of Local Development Plan policy, the application site lies within the Green Belt and is subject to assessment against Policy 4 - Green Belt and Rural Area of the adopted SLLDP2. This states that the purpose of the green belt is to direct development to appropriate locations, protect and enhance the character and landscape setting of settlements and to protect and provide access to open space. It goes on to advise that development which does not require to be located in the countryside is expected to be included within a settlement boundary. The proposed development does not need to be in the countryside and it is not sustainable to add

additional residential development at this green belt location. As such, the proposal is considered to be contrary to Policy 4 of the SLLDP2.

- 6.13 Given that the principle of development is not considered to be acceptable in this location, the design of the proposed development in terms of Policies 5 'Development Management and Place Making' and GBRA1 'Rural Design and Development' of SLLDP2 is not considered to be a determining factor in the assessment of this application.
- 6.14 Notwithstanding this, the site is visually contained by existing mature landscaping, topography, and buildings. No protected habitats, species or landscape features are affected – therefore the proposal is not deemed to erode special characteristics and qualities of the countryside in this area. Due to the uniqueness of the proposal, the normal policy and design constraints relating to permanent, conventional housing would not be applicable. There is sufficient distance from the proposed caravans and the nearest neighbouring dwellings. The access, layout and parking provision are considered acceptable. Accessibility standards would be complied with.
- 6.15 The policies in the SLLDP2 which can be used to justify new residential buildings in the green belt are GBRA5 – Redevelopment of previously developed land containing buildings, GBRA8 – Development of Gap Sites and GBRA9 – Consolidation of building groups. None of those policy exceptions apply in this instance. As such, the proposal is contrary to the Green Belt and Rural Area policies GBRA5, GBRA8 and GBRA9 of the SLLDP2.
- 6.16 SLLDP2 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.
- 6.17 The site is not at risk of flooding. Conditions could be attached requiring the submission and approval of details for low carbon technology, for a tree planting scheme and the installation of electric vehicle charging points. The Design Statement refers to potential for solar panels, air source heat pumps, water harvesting, and the development will reuse a brownfield site. In consideration, the proposals would not undermine the objectives of Policy 2 of SLLDP2.
- 6.18 Issues raised by objectors include concerns about potential flood risk. SLLDP2 Policy 16 'Water Environment and Flooding' states that any development proposal which would have an unacceptable impact on the water environment should not be permitted. This includes engineering works such as culverting. In determining proposals, consideration must be given to water levels, flows, quality, features, flood risk and biodiversity within the water environment. Sites where flood risk may be an issue require to be subject of a local flood risk management assessment. Policy SDCC2 'Flood Risk' states that the storage and conveyance capacity of the functional floodplain should be safeguarded. Avoidance of development within it is the most sustainable option for the long-term management of flood risk. In addition, new development should achieve a minimum freeboard allowance of 600mm, and 1 metre (where it is adjacent to a watercourse) to take account of the uncertainties involved in flood design and physical imponderables such as post construction settlement or wave action.

- 6.19 A Flood Risk Assessment has concluded that the development is not at risk from or contributes to flood risk elsewhere. None of the proposed development impacts upon a greenfield area which could be described as a functional floodplain. Therefore, the objectives of policy 16 and SDCC2 would not be compromised.
- 6.20 In summary, taking all the above into account, it is considered that the proposed development would constitute inappropriate development with regards to the sites Green Belt designation and there are no exceptions to policy, in either NPF4 or SLLDP2, which would justify permanent static caravans in this location. As such, the proposed development fails to adhere to the provisions of the development plan, with specific regard to Policies 8, 14, 15, and 16 of National Planning Framework 4 (adopted 2023) and Policies 4, GBRA5, GBRA8 and GBRA9 of the South Lanarkshire Local Development Plan 2 (adopted 2021). There are no material considerations which would outweigh this variance with the development plan. In view of this, it is recommended that the application is refused planning permission.

7 Reasons for Decision

- 7.1 The proposal is contrary to Policies 8, 14, 15 and 16 of National Planning Framework 4 (adopted 2023) and Policies 4, GBRA5, GBRA8 and GBRA9 of the South Lanarkshire Local Development Plan 2 (adopted 2021) and there are no material considerations which would outweigh this variance with the development plan.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 25 May 2023

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	28.11.2022
Environmental Services	24.04.2023
Scottish Water	05.07.2021
The Coal Authority Planning and Local Authority Liaison	30.08.2021
Carluke Community Council	N/A
SEPA Flooding	10.03.2023

Contact for further information

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

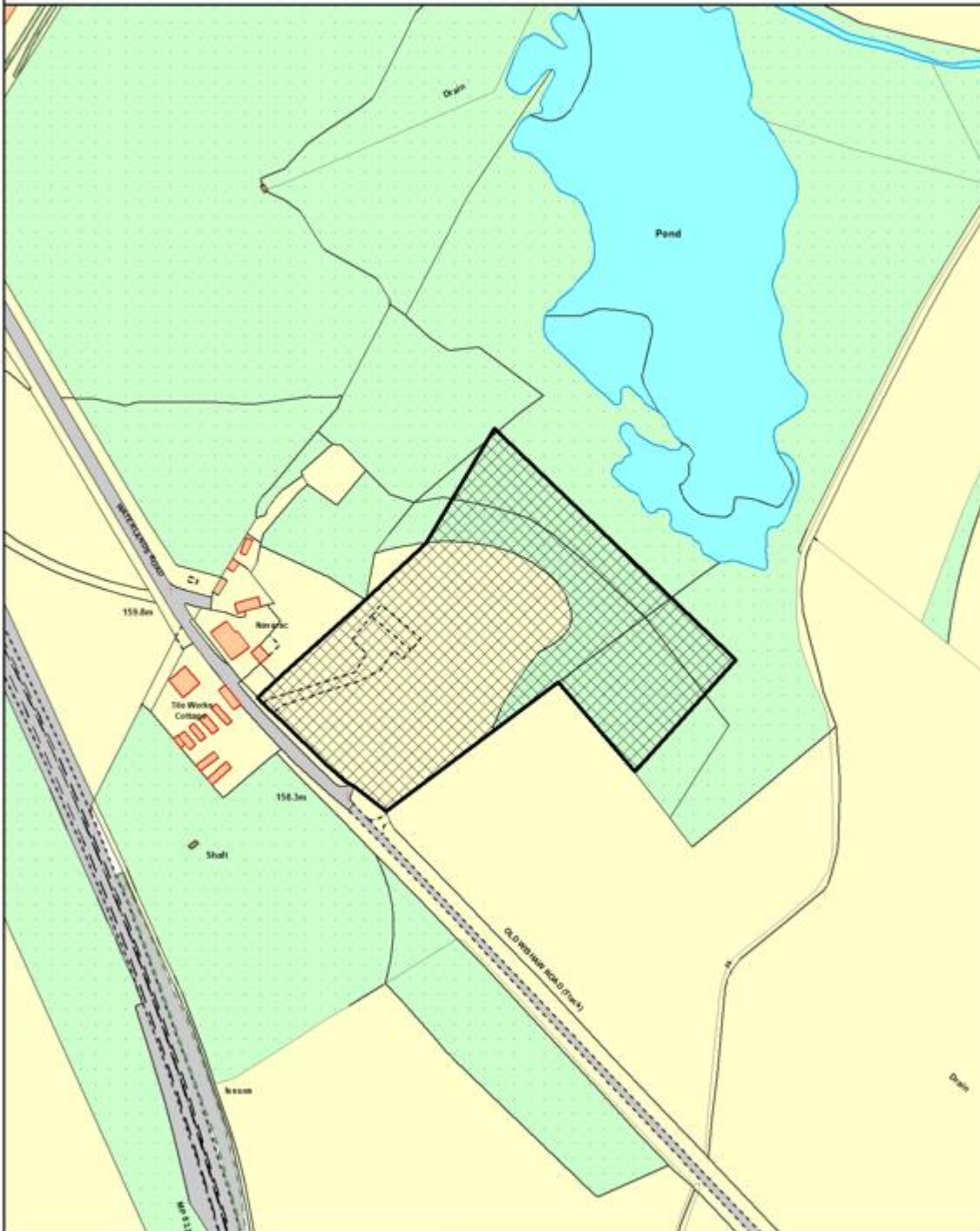
David Russell, Team Leader, Floor 6, Council Offices, Almada Street, Hamilton,
ML3 0AA

Phone: 07551 845 757

Email: David.Russell@southlanarkshire.gov.uk

Reasons for refusal

01. The proposal would be contrary to Policy 8 - Green Belts of National Planning Framework 4 as it does not meet the criteria set out in the policy for green belt development and as such fails to encourage, promote, and facilitate compact urban growth and use the land around our towns and cities sustainably. The proposed location for the development does not meet any of the criteria to be considered suitable and as such cannot be supported.
02. The proposal would be contrary to Policy 4 - Green Belt and Rural Area of the South Lanarkshire Local Development Plan 2 as it would constitute sporadic development, that cannot be justified under policies GBRA5, GBRA8, GBRA9 and which would adversely affect the character of the green belt at this location.
03. The proposal would be contrary to Policy 14 – Design, Quality and Place of National Planning Framework 4 as it is not consistent with the 6 qualities of successful places. Specifically it fails to achieve the characteristics of a sustainable place.
04. The proposal would be contrary to Policy 15 – Local Living and 20 minute neighbourhoods of National Planning Framework 4 as it fails to create connected and compact settlements and mixed use neighbourhoods.
05. The proposal would be contrary to Policy 16 – Quality Homes of National Planning Framework 4 as it would not constitute the delivery of high quality homes in the right locations as set out in the policy criteria.



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Date:
16/05/2023



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

Report

4

Report to:	Planning Committee
Date of Meeting:	6 June 2023
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/22/0737
Planning proposal:	Demolition of agricultural buildings and erection of 6 no. detached residential dwellinghouses, access, car parking, landscaping and associated infrastructure

1 Summary application information

Application type:	Detailed planning application
Applicant:	Rasul Family Trust
Location:	Millhouse Farm Shields Road East Kilbride G75 9DR

2 Recommendation(s)

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

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

2.2 Other actions/notes

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

3 Other information

- ◆ Applicant's Agent: DTA
- ◆ Council Area/Ward: 06 East Kilbride South
- ◆ Policy Reference(s): **National Planning Framework 4 (adopted 2023)**
Policy 1 - Tackling the climate and nature crises
Policy 2 - Climate mitigation and adaptation
Policy 8 - Green belts
Policy 14 - Design, quality and place
Policy 15 - Local Living and 20 minute neighbourhoods
Policy 16 - Quality homes

South Lanarkshire Local Development Plan 2 (adopted 2021)

- Policy 2 - Climate Change
- Policy 4 - Green Belt and Rural Area
- Policy 5 - Development Management and Placemaking
- Policy DM1 - New Development Design

◆ **Representation(s):**

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

◆ **Consultation(s):**

West of Scotland Archaeology Service

Roads Development Management Team

Environmental Services

Roads Flood Risk Management

SP Energy Networks

Scottish Water

Planning Application Report

1 Application Site

- 1.1 The application relates to a former farm steading on Shields Road, to the south of East Kilbride. The steading previously comprised the former farmhouse and several outbuildings which were noted to be in poor condition. However, the site has recently been cleared with all buildings, including the dwellinghouse, being demolished. The removal of the dwellinghouse was unauthorised as there was no live consent in place for its demolition. The site, which extends to approximately 0.4 hectares, is designated as Green Belt within the adopted South Lanarkshire Local Development Plan (2021).
- 1.2 The site, which is predominantly flat throughout, is bounded to the north, east and west adjoining farmland, to the north-east by a redundant farm building, to the south by Shields Road and to the south-west by Millhouse Cottage, a separate residential property. Vehicular and pedestrian access to the site is taken from the south, off Shields Road, although the site is not currently accessible as Heras fencing has been put in place following the recent demolition works.

2 Proposal(s)

- 2.1 Detailed planning permission is sought to remove the now demolished steading at Millhouse Farm and to erect six detached dwellings with associated works on the site. A new vehicular access to the site would be formed from Shields Road to serve the proposed development.

3 Development Plan

3.1 National Planning Policy Framework 4

- 3.1.1 In terms of NPF4, the following policies are relevant to the assessment of this proposal:-

- ◆ Policy 1 - Tackling the climate and nature crises
- ◆ Policy 2 - Climate mitigation and adaptation
- ◆ Policy 8 - Green belts
- ◆ Policy 14 - Design, quality and place
- ◆ Policy 15 - Local Living and 20-minute neighbourhoods
- ◆ Policy 16 - Quality homes

3.2 South Lanarkshire Local Development Plan 2

- 3.2.1 In terms of land use, the application site is identified within the South Lanarkshire Local Development Plan 2 (Adopted 2021) as being within the Green Belt. As such, the following policies are all relevant to the assessment of this proposal:-

- ◆ Policy 2 - Climate Change
- ◆ Policy 4 - Green Belt and Rural Area
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy DM1 - New Development Design

3.3 Relevant Government Advice/Policy

- 3.3.1 Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the South Lanarkshire Local Development Plan 2 (SLLDP2) (adopted 9 April 2021) and National Planning Framework 4 (NPF4) (which was laid before the Scottish Parliament on 8 November 2022 and adopted by Scottish Ministers on 13 February 2023).

Section 24(3) of the 1997 Act confirms that if there is an inconsistency between NPF4 policies and a Local Development Plan which was adopted before 13 February 2023, then the policies in NPF4 prevail.

3.4 **Planning Background**

- 3.4.1 Since 2008, there have been four previous applications at this site for residential development. Application EK/11/0244 received planning consent for the erection of eight dwellinghouses in 2012 but never commenced on site and has since expired. All other applications were withdrawn or refused by the Council. The most recent application for this site was P/21/0944 which was withdrawn by the applicants with the current application being submitted for consideration in its place.

4 **Consultation(s)**

- 4.1 **Roads and Transportation Services (Development Management)** – Deferred their response, pending the submission of additional matters, including access and visibility at the site access, turning facilities within the site and information relating to flooding.
Response: Noted.
- 4.2 **Roads and Transportation Services (Flood Risk Management Team)** – Offered no objections subject to the attachment of conditions to any consent issued relating to the provision of a Flood Risk Assessment and the relevant self-certification appendices.
Response: Noted.
- 4.3 **Environmental Services** – Offered no objections subject to the attachment of a condition to any consent issued relating to waste management on site.
Response: Noted.
- 4.4 **West of Scotland Archaeology Service** – Offered no objections subject to the attachment of a condition to any consent issued requiring the implementation of a programme of archaeological works in advance of any redevelopment of the site.
Response: Noted.
- 4.5 **Scottish Water** – Offered no objection to the proposed development.
Response: Noted.
- 4.6 **SP Energy Networks** – Offered no objection to the proposed development.
Response: Noted.

5 **Representation(s)**

- 5.1 Statutory neighbour notification was undertaken, and the proposal was advertised in the local press as development contrary to the development plan and for neighbour notification purposes. No letters of representation were received in respect of this application.

6 **Assessment and Conclusions**

- 6.1 The proposed development requires to be considered against the relevant provisions of National Planning Framework 4 (adopted 2023) and against the South Lanarkshire Local Development Plan 2 (adopted 2021).
- 6.2 Policy 8 – Green belts of NPF4 specifies that proposals for development in designated green belt areas will only be acceptable if they fall into one of the categories listed below:-

- ◆ development associated with agriculture, woodland creation, forestry and existing woodland (including community woodlands)
- ◆ residential accommodation required and designed for a key worker in a primary industry within the immediate vicinity of their place of employment where the presence of a worker is essential to the operation of the enterprise, or retired workers where there is no suitable alternative accommodation available
- ◆ horticulture, including market gardening and directly connected retailing, as well as community growing
- ◆ outdoor recreation play and sport or leisure and tourism uses; and developments that provide opportunities for access to the open countryside (including routes for active travel and core paths)
- ◆ flood risk management (such as development of blue and green infrastructure within a “drainage catchment” to manage/mitigate flood risk and/or drainage issues)
- ◆ essential infrastructure or new cemetery provision
- ◆ minerals operations and renewable energy developments
- ◆ intensification of established uses, including extensions to an existing building where that is ancillary to the main use
- ◆ the reuse, rehabilitation and conversion of historic environment assets
- ◆ one-for-one replacements of existing permanent homes

6.3 Additionally, this policy also includes a further set of criteria that a proposal falling into one of the above categories must also comply with to be considered acceptable. However, as this proposal does not fall into any of the categories listed above, it does not comply with Policy 8 of NPF4.

6.4 Policy 1 – Tackling the climate and nature crises of NPF4 advises that significant weight will be given to the global and nature crises when considering all development proposals. Policy 2 – Climate mitigation and adaptation expands on this requiring all new developments to be sited and designed to minimise greenhouse gas emissions as far as possible, and to adapt to current and future risks for climate change. The Chief Planner letter from 4 February 2023 confirms that at this stage, quantitative assessments are not expected for all applications. In the absence of a methodology for measuring the emissions which would result from this development, it is considered appropriate at this time to instead consider the general sustainability of the proposal in land-use planning terms (whether the use of agricultural land as housing land is supportable when assessed against other relevant policies in NPF4) and use that as an indicator in whether or not it is likely to minimise emissions and adapt to current and future impacts of climate change.

6.5 Policy 14 - Design, quality and place of NPF4 advises that proposals will be supported where they are consistent with the 6 qualities of successful places (Healthy, Pleasant, Connected, Distinctive, Sustainable, Adaptable). It confirms that proposals which are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the 6 qualities of place will not be supported. In this case, the erection of a group of residential dwellings within the green belt, contrary to the policy designed to preserve the green belt, is not considered to be characteristic of a sustainable place. Given its location is removed from the main settlement of East Kilbride, the proposal is also not considered to be connected. As such, this proposal is contrary to Policy 14 of NPF4.

6.6 Policy 15 - Local Living and 20-minute neighbourhoods of NPF4 seeks to create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking,

wheeling or cycling, or using sustainable transport options. In this case access to amenities would rely on travelling a further distance to the nearest local facilities which would not comply with the intention of this policy. As such, the proposal is also considered to be contrary to Policy 15 of NPF4.

6.7 Policy 16 - Quality homes of NPF4 seeks to encourage, promote and facilitate the delivery of high quality, affordable and sustainable homes, in the right locations. It advises that development proposals for new homes on land not allocated for housing in the Local Development Plan will only be supported in limited circumstances where:-

- i. the proposal is supported by an agreed timescale for build-out; and
- ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20-minute neighbourhoods;
- iii. and either:-
 - ◆ delivery of sites is happening earlier than identified in the deliverable housing land pipeline; or
 - ◆ the proposal is consistent with policy on rural homes; or
 - ◆ the proposal is for smaller scale opportunities within an existing settlement boundary; or
 - ◆ the proposal is for the delivery of less than 50 affordable homes

In terms of Policy 16 of NPF4, the proposal does not comply with the criteria listed above, and therefore must also be deemed contrary to Policy 16.

6.8 Given the location of the application site in the Green Belt as designated by the South Lanarkshire Local Development Plan 2 (adopted 2021), Policy 4 – Green Belt and Rural Area of the adopted local development plan is applicable. This policy states that the purpose of the green belt is to direct development to appropriate locations, protect and enhance the character and landscape setting of settlements, and to protect and provide access to open space. It goes on to advise that, generally, development which does not require to be located in the countryside will be expected to be accommodated within a settlement boundary. With regard to Policy 4, the proposed development would be isolated and sporadic and would therefore fail Policy 4. As such, the proposal requires no further assessment under the Green Belt and Rural Area policies.

6.9 Turning to general development management considerations, Policies 5 - Development Management and Placemaking and DM1 – New Development Design provide general development management policy and guidance that requires to be adhered to by all proposed developments. Policy 2 – Climate Change requires that developments are sustainably located and are appropriately designed and sited to meet the challenges of climate change. In this case it is noted that the Roads Service has raised a number of concerns in terms of the extent of information provided as part of the application submission, with regard to road safety issues including access, visibility splays and turning facilities. As insufficient information has been provided to allow these matters to be fully considered as part of the application assessment, the proposal is considered to fail to comply with Policies 5 and DM1 of the adopted local development plan.

6.10 In summary, taking all of the above into account, it is considered that the proposed development would constitute inappropriate development of a sensitive Green Belt site in respect of the provisions of National Planning Framework 4 and the South Lanarkshire Local Development Plan 2. Additionally, insufficient information has been

provided to demonstrate that the proposed development would be suitably and safely accessible as required by the South Lanarkshire Local Development Plan 2.

- 6.11 It is therefore concluded that the proposed development fails to adhere to the provisions of National Planning Framework 4, with specific regard to Policies 8, 14, 15 and 16. Additionally, the proposals also fail to comply with the South Lanarkshire Local Development Plan 2, with specific regard to Policies 4, 5 and DM1. In view of this it is recommended the application is refused planning permission.

7 Reasons for Decision

- 7.1 The proposal is contrary to Policies 8, 14, 15 and 16 of the National Planning Framework 4. In addition, the proposal cannot be assessed favourably against Policies 4, 5 and DM1 of the South Lanarkshire Local Development Plan 2 (adopted 2021).

David Booth

Executive Director (Community and Enterprise Resources)

Date: 18 May 2023

Previous references

- ◆ EK/08/0071
- ◆ EK/09/0122
- ◆ EK/11/0244
- ◆ P/21/0944

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ National Planning Framework 4 (adopted 2023)
- ▶ Neighbour notification letter dated 18 May 2022
- ▶ Consultations

West of Scotland Archaeology Service	08.06.2022
Roads Development Management Team	07.06.2022
Environmental Services	25.05.2022
Roads Flood Risk Management	07.06.2022
SP Energy Networks	23.05.2022
Scottish Water	01.06.2022

Contact for further information

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

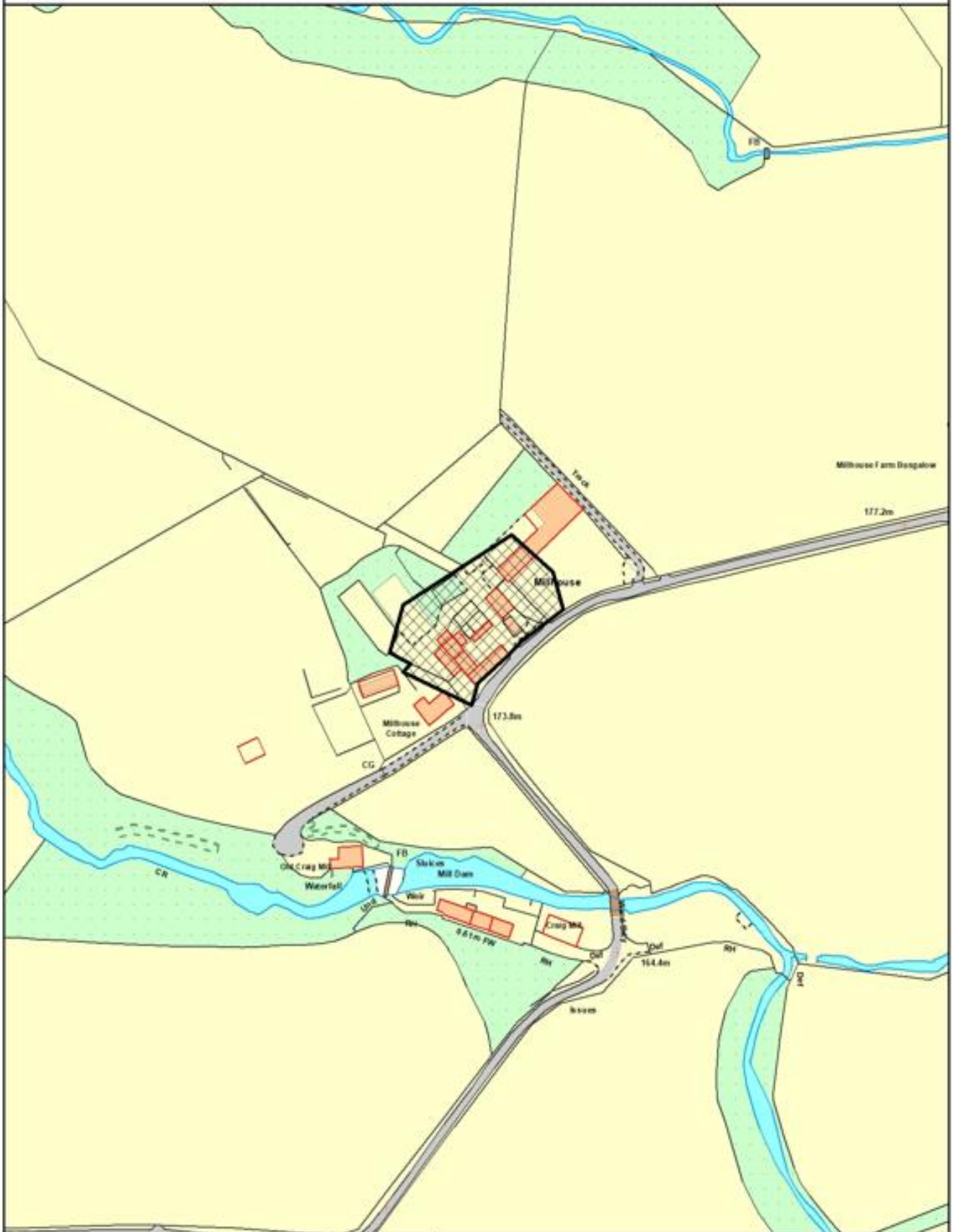
Iain Morton, Team Leader, Floor 6, Council Offices, Almada Street, Hamilton, ML3 0AA

Phone: 07551 842 788

Email: iain.morton@southlanarkshire.gov.uk

Reasons for refusal

01. The proposal is contrary to Policy 8 (Green belts) of National Planning Framework 4 (NPF4) as it does not meet the criteria listed in the policy for green belt development and therefore fails to encourage, promote and facilitate compact urban growth and use the land around our towns and cities sustainably.
02. The proposal is contrary to Policy 14 (Design, Quality and Place) of National Planning Framework 4 (NPF4) as it is not consistent with the 6 qualities of successful places. Specifically, it fails to achieve the characteristics of a sustainable and connected place.
03. The proposal is contrary to Policy 15 (Local Living and 20-minute neighbourhoods) of National Planning Framework 4 (NPF4) as it fails to create a connected neighbourhood.
04. The proposal is contrary to Policy 16 (Quality homes) of National Planning Framework 4 (NPF4) as it does not constitute the delivery of high-quality homes in the right locations as set out in the policy criteria.
05. The proposal is contrary to Policy 4 - Green Belt and Rural Area of the South Lanarkshire Local Development Plan 2 as it would constitute an inappropriate form of development that cannot be otherwise justified and would therefore adversely affect the character of the Green Belt at this location.
06. The proposal is contrary to Policy 5 - Development Management and Placemaking of the South Lanarkshire Local Development Plan 2 as insufficient information has been provided to demonstrate that the proposals are acceptable in terms of road safety considerations.
07. The proposal is contrary to Policy DM1 – New Development Design of the South Lanarkshire Local Development Plan 2 as insufficient information has been provided to demonstrate that the proposals are acceptable in terms of road safety considerations.



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Date:
12/05/2023



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

Report

5

Report to:	Planning Committee
Date of Meeting:	6 June 2023
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/22/0967
Planning proposal:	Formation of two house plots with associated access and subdivision of garden ground to form an additional plot

1 Summary application information

Application type:	Detailed planning application
Applicant:	Ms Kirsty Bonthorn
Location:	Glenavon Farm Millheugh Road Stonehouse ML9 1QY

2 Recommendation(s)

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

- (1) Refuse detailed planning permission (for reasons stated).

2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) Nature Scot and The Coal Authority are statutory consultees and have both objected to the application. Should the Planning Committee be minded to grant the application, it would be necessary to refer the application to Scottish Ministers prior to determination.

3 Other information

- ◆ Applicant's Agent: James Baird Architecture
- ◆ Council Area/Ward: 20 Larkhall
- ◆ Policy Reference(s): **National Planning Framework 4 (Adopted 2023)**
Policy 1 – Tackling the climate and nature crises
Policy 2 – Climate mitigation and adaptation
Policy 4 - Natural places
Policy 8 – Green belts
Policy 9 – Brownfield, vacant and derelict land and empty buildings
Policy 12 - Zero Waste
Policy 14 – Design, quality and place
Policy 15 - Local living and 20 minute neighbourhoods
Policy 16 - Quality Homes

South Lanarkshire Local Development Plan 2 (Adopted 2021)

Policy 2 - Climate Change

Policy 4 - Green Belt and Rural Area

Policy 5 - Development Management and
Placemaking

Policy 14 - Natural and Historic Development

Policy NHE7 - Natura 2000 Sites

Policy NHE8 - National Nature Reserves and Sites
of Special Scientific Interest

Policy GBRA 8 - Development of a Gap Site

Policy DM3 - Subdivision of Garden Ground

◆ Representation(s):

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

◆ Consultation(s):

Nature Scot

Countryside and Greenspace

Roads Development Management Team

Environmental Services

Scottish Water

The Coal Authority

Planning Application Report

1 Application Site

- 1.1 The application site (0.95ha) relates to land adjacent to Glenavon Farm, which consists of a dwellinghouse with garage, stables, a riding arena and an agricultural shed. The site is situated on land to the south of Larkhall, within the Green Belt. To the north of the site lies Clyde Valley Woods, a designated ancient woodland, a Special Area of Conservation, and Site of Scientific Special Interest. The site is accessed via a 1km long private access which currently serves 5 dwellinghouses.

2 Proposal

- 2.1 The proposal comprises 3 residential plots, 2 of which are located between the existing agricultural shed and Glenavon Farm House. The proposed access serving these properties would take a spur from the existing private access. The third plot seeks to replace a domestic garage sited to the front of Glenavon Farm House and proposes to utilise the existing private access.

3 Development Plan

3.1 National Planning Framework 4 (2023)

- 3.1.1 Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the South Lanarkshire Local Development Plan 2 (SLLDP2) (adopted 9 April 2021) and National Planning Framework 4 (NPF4) (adopted by Scottish Ministers on 13 February 2023). Section 24(3) of the 1997 Act confirms that if there is an inconsistency between NPF4 policies and a Local Development Plan which was adopted before 13 February 2023, then the policies in NPF4 prevail.

- 3.1.2 The following NPF4 policies are of particular relevance in the assessment of this proposal:-

Policy 1 - Tackling climate and nature crises

Policy 2 - Climate mitigation and adaptation

Policy 4 - Natural places

Policy 8 - Green Belt

Policy 9 - Brownfield, vacant and derelict land and empty buildings

Policy 12 - Zero Waste

Policy 14 - Design, quality and place

Policy 15 - Local Living and 20 minute neighbourhoods

- 3.1.3 It is considered that the proposal does not accord with the general provisions or relevant policies of NPF4, and the detailed assessment is contained in Section 6 of this report.

3.2 South Lanarkshire Local Development Plan 2 (2021)

- 3.2.1 The application site is within the green belt and the relevant policies in terms of the assessment of the application in Section 6 of the report are:-

Policy 2 - Climate Change

Policy 4 - Green Belt and Rural Area

Policy 5 - Development Management and Placemaking

Policy 14 - Natural and Historic Development

Policy NHE7 - Natura 2000 Sites

Policy NHE8 - National Nature Reserves and Sites of Special Scientific Interest

Policy GBRA 8 - Development of a Gap Site

Policy DM3 - Subdivision of Garden Ground

3.3 Planning Background

- 3.3.1 The site has been subject to a previous approval for a replacement dwellinghouse at Glenavon Farm, the former damaged by fire, (ref HM/11/0319). There were planning permissions granted for the conversion of a storage shed to dwellinghouse in 2004 and 2005, however, these appear to have never been implemented. The replacement dwelling was extended in 2021 (ref P/21/0216). An agricultural storage shed to the west of the dwellinghouse was granted prior approval in 2018 (ref P/18/0883).

4 Consultation(s)

- 4.1 **Countryside and Greenspace** – No objection.

Response: Noted.

- 4.2 **Scottish Water** – No objection.

Response: Noted.

- 4.3 **Environmental Services** – No objections, subject to conditions requiring radon gas assessment and that appropriate informatives are attached to any consent.

Response: Noted.

- 4.4 **Roads and Transportation Services** – Recommend refusal of the application as the proposed access would not be satisfactory.

Response: Noted.

- 4.5 **Nature Scot** – Object to the proposal until such time as suitable information is submitted to demonstrate that the impact of the development on the surrounding area is acceptable.

Response: Noted, there is insufficient information for the Council to carry out appropriate assessment on Special Area of Conservation (SAC) or Sites of Special Scientific Interest (SSSI). Nature Scot is a statutory consultee and should the Planning Committee be minded to grant this would require referral to Scottish Ministers.

- 4.6 **The Coal Authority** – Object to the proposal until such time as a Coal Mining Risk Assessment is submitted.

Response: Noted. The Coal Authority is a statutory consultee and should the Planning Committee be minded to grant this application, it would require to be referred to Scottish Ministers.

5 Representation(s)

- 5.1 Following statutory neighbourhood notification and advertisement in the local press, no representations have been received.

6 Assessment and Conclusions

- 6.1 The determining issues in the consideration of this application are its compliance with the development plan, which consists of National Planning Framework 4 (NPF4) and South Lanarkshire Local Development Plan 2 (SLLDP2).

- 6.2 NPF4 Policy 1 requires that when considering all development proposals, significant weight will be given to the global climate and nature crises. NPF4 Policy 2 Climate Change and Mitigation expands on this, requiring all new developments to be sited and designed (1) to minimise lifecycle greenhouse gas emissions as far as possible and (2) to adapt the current and future risks from climate change. It is considered appropriate at this time to instead consider the general sustainability of the proposal in land-use planning terms (whether the use of agricultural land as housing land is supportable when assessed against other relevant policies in NPF4) and use that as

an indicator in whether or not it is likely to minimise emissions and adapt to current and future impacts of climate change.

6.3 NPF4 Policy 8 – Green Belts states that development proposals will only be supported within green belts where they are for (i):-

- ◆ Development associated with agriculture, woodland creation, forestry;
- ◆ Residential accommodation required for a key worker in a primary industry within the immediate vicinity of their place of employment;
- ◆ Horticulture, including market gardening;
- ◆ Outdoor recreation, play and sport or leisure and tourism use;
- ◆ Flood risk management;
- ◆ Essential infrastructure or new cemetery provision;
- ◆ Minerals operations and renewable energy developments;
- ◆ Intensification of established uses, including ancillary extensions to existing buildings;
- ◆ The re-use or rehabilitation of historic environment assets; or
- ◆ One-for-one replacements of existing permanent homes.

and (ii) when reasons are provided as to why:-

- ◆ a green belt location is essential; and
- ◆ the purpose of the greenbelt at that location is not undermined; and
- ◆ the proposal is compatible with the surrounding established countryside and landscape character; and
- ◆ the proposal has been designed to an appropriate scale, massing and external appearance to minimise visual impact; and
- ◆ there will be no significant long-term impacts on the environmental quality of the green belt.

6.4 The formation of these 3 residential plots would not meet any of the above criteria in part (i) of the policy and does not pass the tests in part (ii). As such the proposal is contrary to Policy 8 of NPF4.

6.5 NPF4 Policy 9 - Brownfield, vacant and derelict land and empty buildings aims to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings to help reduce the need for greenfield development. NPF4 Policy 12 - Zero Waste details that proposals should be in line with the waste hierarchy and minimise demolition. Part (b) of Policy 9 details that proposals on greenfield sites will not be supported unless the site has been allocated or is explicitly supported by policies in the Local Development Plan (LDP). The site for the 2 residential plots sited between the agricultural shed and dwellinghouse are greenfield and appear to have been undeveloped, aside from agricultural practices. The site is not allocated for housing, and is not explicitly supported by policies in the LDP. The third plot seeks to demolish an existing garage. Based on the site visit, the garage does not appear to have fallen out of use or into disrepair. It is not considered that the proposal through its use of greenfield and undeveloped land and demolition of a sound building, meets the intentions of Policies 9 or 12 of NPF4.

6.6 NPF4 Policy 15 – Local Living and 20 minute neighbourhoods seeks to create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by using sustainable transport options. The site is located 1km along a private access and around 1.6km by road from the settlement edge of Larkhall. Residents of dwellings here, if approved, might indeed have access to many of the facilities/benefits of local living identified in

the policy within Larkhall. However, due to the location of the site, where there are limited pavements and no bus service means many local services are not easily accessible by walking/wheeling or sustainable transport. New residential dwellings in this location would be reliant on private car. As such, the proposal is contrary to Policy 15 of NPF4.

6.7 NPF4 Policy 16 – Quality Homes seeks to encourage, promote and facilitate the delivery of high quality homes, in the right locations. It advises that development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:-

- i. the proposal is supported by an agreed timescale for build-out; and
- ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods;
- iii. and either:-
 - delivery of sites is happening earlier than identified in the deliverable housing land pipeline.; or
 - the proposal is consistent with policy on rural homes; or
 - the proposal is for smaller scale opportunities within an existing settlement boundary; or
 - the proposal is for the delivery of less than 50 affordable homes.

6.8 The proposed development is not consistent with the spatial strategy and other relevant policies in the plan and does not involve; delivery of a site in the housing land pipeline; housing in the rural area; an opportunity within an existing settlement boundary or a proposal for affordable homes. As such, the proposal is directly contrary to Policy 16 – Quality Homes of NPF4.

6.9 In terms of Local Development Plan policy, the application site lies within the Green Belt and is subject to assessment against Policy 4 - Green Belt and Rural Area of the adopted SLLDP2. This states that the purpose of the green belt is to direct development to appropriate locations, protect and enhance the character and landscape setting of settlements and to protect and provide access to open space. It goes on to advise that development which does not require to be located in the countryside will be expected to be included within a settlement boundary. The proposed dwelling does not need to be in the countryside and it is not sustainable to incrementally add additional housing to this Green Belt location. As such, the proposal is considered to be contrary to Policy 4 of the South Lanarkshire Local Development Plan 2.

6.10 The applicant has submitted that the proposal meets SLLDP 2 Policy GRBA 8 – Development of a Gap site and Policy DM3 Subdivision of Garden Ground. The 2 residential plots sited between the agricultural shed and the dwellinghouse could be considered a gap site under Policy GBRA8 in that the site is bound on 2 sides by a habitable house and another building. The proposal would not result in ribbon development or coalescence. The submitted plans are for plots which are comparable in size to Glenavon. However, the proposal remains sporadic development in the Green Belt and should be sited in a settlement. The proposal fails the main tests of Policy 4 Green Belt and Rural Area, as detailed above.

6.11 Policy DM3 Subdivision of Garden Ground is not explicitly excluded from the Green Belt and Rural Area. The agent has submitted that the third plot forms part of the garden ground of Glenavon Farm and replaces an existing garage. The approved plans for the replacement dwelling (HM/11/0319) and subsequent extension (P/21/0216) do not include this piece of land as part of its curtilage and the existing

garage has been erected without the benefit of permitted development rights or planning permission. The proposed plot does not fall within the lawful garden ground of Glenavon Farm and does not comply with Policy DM3 Subdivision of Garden Ground. As such, the proposal as a whole remains contrary to Policy 4 - Green Belt and Rural Area policies of SLLDP2.

- 6.12 Policy 5 Development Management and Placemaking of SLLDP2 advises that to ensure that development takes account of the principles of sustainable development, all proposals require to be well designed and integrated with the local area and have no unacceptable significant adverse impacts on the local community and the environment.
- 6.13 The proposed development fails to have suitable access for 8 dwellings. The proposed plots are located 1km from the start of a private access which currently serves Glenavon Farm and an additional four dwellings. Those four dwellings were constructed as part of a redevelopment of a brownfield, redundant nursing home. Roads and Transportation Services have, in their consultation response, recommended refusal of the application as the proposed access is not considered to be acceptable. This proposal would result in eight dwellings along the length of a 1km private access. This type of access arrangement can lead to issues relating to continuing and ongoing maintenance. Whilst this access currently appears in a reasonable condition, it could easily decline.
- 6.14 The proposal is partly sited on an area of High Risk Coal area. No Coal Mining Risk Assessment has been submitted. As such the risks from unstable land from past mining activities cannot be fully assessed.
- 6.15 The proposal would not have a suitable access and has not fully assessed risks to new development from unstable land from past mining. It is therefore contrary to Policy 5 of SLLDP2.
- 6.16 NPF4 Policy 4 Natural Places and Policy 14 Natural and Historic Environment of SLLDP2 seek to protect, restore and enhance the natural environment. In relation to SLLDP2, Policy NHE7 Natura 2000 Sites and Policy NHE8 National Nature Reserve and Sites of Special Scientific Interest (SSSI) are relevant here. The site is adjacent to the Clyde Valley Special Area of Conservation (SAC) and Avondale SSSI - a mixed woodland. The consultation response from Nature Scot details that the proposal could have an impact upon the SAC and SSSI. It is noted that any upgrade works to the existing access, which bounds the SAC, is likely to impact on the designation. Plans have not been updated to show siting of existing trees, nor has information on treatment, or works to trees, or for detailed drainage been provided. There is insufficient information to determine how the proposal would impact upon the SSSI or SAC and for the Council to undertake its statutory requirement for an appropriate assessment. The proposal is considered contrary to Policy 4 of NPF4 and Policies 14, NHE7 and NHE8 of SLLDP2 as there is insufficient information to assess the impact of the proposal on the adjacent Clyde Valley Woods Special Area of Conservation and Avondale SSSI.
- 6.17 In summary, the proposals are directly contrary to policies within National Planning Framework 4 (2023) and SLLDP2, particularly with regards to new homes within the Green Belt and the need to only encourage housing in sustainable locations. In addition, there would be unsuitable access arrangements and insufficient information has been provided to allow the proposal to be fully considered in terms of the impact upon the adjacent Special Area of Conservation and Site of Special Scientific Interest. There are no material considerations which would outweigh this variance with the

development plan. In view of this, it is recommended that the application is refused planning permission.

7 Reasons for Decision

- 7.1 The proposal is contrary to Policies 1, 2, 4, 8, 9, 14, 15 and 16 of National Planning Framework 4 (adopted 2023) and Policies 2, 4, 5, 14, NHE7 and NHE8 of the South Lanarkshire Local Development Plan 2 (adopted 2021). As the proposal does not comply with policy in relation to new homes in the green belt, have appropriate access and suitable information to assess impacts upon the natural environment or risk from unstable land from past mining activities. There are no material considerations which would outweigh this variance with the development plan.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 25 May 2023

Previous references

- ◆ HM/11/0319 – Demolition of existing derelict/fire damaged house and outbuildings and the erection of new house – Approved
- ◆ HM/04/0891 - Conversion of storage building to dwellinghouse - Approved
- ◆ HM/05/0489 - Conversion of storage building to dwellinghouse (Amendment to planning consent HM/04/0891) - Approved
- ◆ P/21/0216 – Erection of 1.5 storey rear extension and formation of a dormer - Approved
- ◆ P/18/0883 - Erection of agricultural storage building (Prior notification) - Approved

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ Design Statement
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ National Planning Framework 4
- ▶ Neighbour notification letter dated 05.05.2023
- ▶ Hamilton Advertiser advert dated 03.11.2022

- ▶ Consultations
 - Countryside and Greenspace 27.10.2022
 - Roads Development Management Team 11.11.2022
 - Environmental Services 03.11.2022
 - Scottish Water 28.10.2022
 - Nature.Scot 02.12.2022
 - The Coal Authority 18.05.2023

Contact for further information

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

David Russell, Team Leader, Floor 6, Council Offices, Almada Street, Hamilton,
ML3 0AA

Phone: 07551 845 757

Email: David.Russell@southlanarkshire.gov.uk

Reasons for refusal

01. The proposal would be contrary to Policy 8 – Green belts of National Planning Framework 4 as it does not meet the criteria set out in the policy for green belt development and as such fails to encourage, promote and facilitate compact urban growth and use the land around our towns and cities sustainably.
02. The proposal would be contrary to Policy 14 – Design, Quality and Place of National Planning Framework 4 as it is not consistent with the 6 qualities of successful places. Specifically, it fails to achieve the characteristics of a sustainable place.
03. The proposal would be contrary to Policy 15 - Local Living and 20 minute neighbourhoods of National Planning Framework 4 as it fails to create connected and compact settlements and mixed-use neighbourhoods.
04. The proposal would be contrary to Policy 16 – Quality Homes of National Planning Framework 4 as it does not constitute the delivery of high quality homes in the right locations as set out in the policy criteria.
05. The proposal would be contrary to Policy 5 Development Management and Placemaking of the South Lanarkshire Local Development Plan 2 as there is no appropriate access for the development and there is insufficient information to assess the risks to new development from unstable land resulting from past mining activities.
06. The proposal would be contrary to Policy 4 of National Planning Framework 4 and Policies 14, NHE7 and NHE8 of the South Lanarkshire Local Development Plan 2 as there is insufficient information to consider the impact on the adjacent Special Area of Conservation and Site of Special Scientific Interest.
07. The proposal would be contrary to Policy 4 – Green Belt and the Rural Area of South Lanarkshire Local Development Plan 2 as the dwellings constitute sporadic development in the Green Belt and are not located within a settlement.
08. The proposal would be contrary to Policy 9 – Brownfield, vacant and derelict land and empty buildings of NPF4 as the proposal in part relates to greenfield land and is unallocated and not explicitly supported by policies in the South Lanarkshire Local Development Plan 2.



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Scale:
1:5,000
Date:
15/05/2023



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

Report

6

Report to:	Planning Committee
Date of Meeting:	6 June 2023
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/22/1053
Planning proposal:	Erection of a 1½ storey detached dwellinghouse, formation of vehicular access and parking

1 Summary application information

Application type:	Detailed planning application
Applicant:	Mr Daniel Bell
Location:	Land adjacent to Stonymeadow Cottage Stonymeadow Road East Kilbride

2 Recommendation(s)

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

(1) Refuse the application for the reasons attached.

2.2 Other actions/notes

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

3 Other information

- ◆ Applicant's Agent: DTA.
- ◆ Council Area/Ward: 10 East Kilbride East
- ◆ Policy Reference(s): **National Planning Framework 4**
Policy 1 - Tackling the Climate and Nature Crises
Policy 2 - Climate Mitigation and Adaptation
Policy 6 - Forestry, Woodland and Trees
Policy 8 - Green Belts
Policy 14 - Design, Quality and Place
Policy 15 - Local Living and 20 Minute Neighbourhoods
Policy 16 - Quality Homes

Adopted South Lanarkshire Local Development Plan 2

Policy 1 - Spatial Strategy

Policy 2 - Climate Change

Policy 4 - Green Belt and Rural Area

Policy 5 - Development Management and Placemaking

Policy 14 - Natural and Historic Development

Policy 15 - Travel and Transport

Policy DM1 - New Development Design

Policy GBRA1 - Rural Design and Development

Policy GBRA9 - Consolidation of Existing Building Groups

Policy NHE13 - Forestry and Woodland

◆ Representation(s):

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

◆ Consultation(s):

Roads Development Management Team

Environmental Services

Arboricultural Services

Countryside and Greenspace

Roads Flood Risk Management

Planning Application Report

1 Application Site

- 1.1 The application site is located on land adjacent to Stonymeadow Cottage, Stonymeadow Road, to the north east of East Kilbride. The site is located to the south of Stonymeadow Road, to the west of Stonymeadow Cottage and the east of open land with occasional small trees. The land to the north of the site has been cleared and has planning consent for 8 detached dwellinghouses. The site is slightly to the west of the junction of Stonymeadow Road and Flemington Road. To the south of the site the land falls away into the Lee's Burn watercourse. The site is fairly level and has a tree cover consisting of small to medium regenerated trees and scrub and overhead electricity/phone lines run through the site. The site falls within the Urban Fringe Farmland landscape-type. The site is located in the Green Belt as designated in the adopted South Lanarkshire Local Development Plan 2 (SLLDP2).

2 Proposal(s)

- 2.1 Planning permission is sought for the erection of a 1.5 storey detached dwellinghouse, formation of vehicular access and parking. The accommodation of the proposed dwellinghouse comprises of a lounge, living/dining/kitchen, WC, utility and study on the ground floor and 4 bedrooms, 1 en-suite, and a family bathroom on the upper floor. The proposed dwellinghouse measures approximately 20.0m x 8.5m, to a ridge height of 8.2m at the highest point. The proposed dwellinghouse will be finished in white render and buff facing brick. The roof will be clad in dark grey concrete tiles.

3 Development Plan

3.1 National Planning Framework 4

- 3.1.1 The National Planning Framework 4 was approved by the Scottish Ministers on 13 February 2023 and now forms part of the Development Plan. National Planning Framework 4 (NPF4) provides Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments, and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places, and productive places.

- 3.1.2 In respect of NPF4 the following policies are of particular relevance in the assessment of this proposal:-

- ◆ Policy 1 - Tackling the Climate and Nature Crises
- ◆ Policy 2 - Climate Mitigation and Adaptation
- ◆ Policy 6 - Forestry, Woodland and Trees
- ◆ Policy 8 - Green Belts
- ◆ Policy 14 - Design, Quality and Place
- ◆ Policy 15 - Local Living and 20 Minute Neighbourhoods
- ◆ Policy 16 - Quality Homes

3.2 South Lanarkshire Local Development Plan 2

- 3.2.1 The site is identified within the adopted South Lanarkshire Local Development Plan 2 (2021) (SLLDP2) as being located within the Green Belt. The following policies require to be taken into consideration:-

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

- ◆ Policy DM1 - New Development Design
- ◆ Policy GBRA1 - Rural Design and Development
- ◆ Policy GBRA9 - Consolidation of Existing Building Groups
- ◆ Policy NHE13 - Forestry and Woodland

3.3 Planning Background

- 3.3.1 There have been no previous planning applications or planning consents on this site.
- 3.3.2 The applicant submitted a number of documents in support of the current application which included a Design Statement and an email justification statement in respect of NPF4.

4 Consultation(s)

- 4.1 **Roads and Transportation Services (Development Management)** – Following the submission of a speed survey and amended layout to address initial comments, Roads Development Management objected to the proposed development as the required visibility splays, 2.5m x 160m in both directions, could not be achieved within the ownership of the applicant and therefore does not have control over this land to maintain the sightline.

Response: Noted.

- 4.2 **Environmental Services** – No objections, subject to conditions and advisory notes in respect of construction noise, pest control, septic tank and collection, dust and contamination.

Response: Noted. Should planning permission be approved appropriate conditions could be attached to any decision issued.

- 4.3 **Roads Flood Risk Management** – Conditions in respect of Flood Risk Assessment, sustainable drainage design details and completion of SUDs appendices could be attached to any consent.

Response – Noted. Should planning permission be approved appropriate conditions could be attached to any decision issued.

- 4.4 **Countryside and Greenspace** – no comments in respect of the proposed development.

Response – Noted

- 4.5 **Arboricultural Services** – requested a Tree Survey, including a Tree Retention/Removal Plan, Arboricultural Method Statement and Tree Protection Plan. This information has not been requested as there are other reasons for refusal of the application.

Response – Noted. Should planning permission be approved appropriate conditions could be attached to any decision issued.

5 Representation(s)

- 5.1 Following the statutory period of neighbour notification and advertisement, no representations have been received in respect of the proposed development.

6 Assessment and Conclusions

- 6.1 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the approved National Planning Framework 4 2023 (NPF4) and the adopted South Lanarkshire Local Development Plan 2 2021 (SLLDP2).

- 6.2 In terms of National Planning Policy and Guidance, National Planning Framework 4 (NPF4) sets out the long term vision for the development of Scotland through the National Spatial Strategy. NPF4 aims to meet Scotland's climate ambition which will require a rapid transformation across all sectors of the economy and society. This means ensuring the right development happens in the right place.
- 6.3 NPF4 Policy 1 Tackling the Climate and Nature Crises and NPF4 Policy 2 Climate Mitigation and Adaptation aim to ensure that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. The site is located out with the settlement boundary therefore is not considered sustainable development as it will increase emissions by encouraging vehicular travel. It is remote from services and facilities and would require the occupants to travel by private vehicle either to East Kilbride or Blantyre for activities including work, retail and leisure. It is, therefore, considered that the principle of the development is contrary to NPF4 Policy 1 Tackling the Climate and Nature Crises and NPF4 Policy 2 Climate Mitigation and Adaptation.
- 6.4 NPF4 Policy 6 Forestry, Woodland and Trees aims to protect and expand forests, woodland and trees. Developments which involve woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits. The site is populated by a number of small and medium trees which form tree cover across the majority of the site and significant areas would require to be cleared for the construction of the dwellinghouse, garden, access and parking. No tree survey has been provided by the applicant. The trees appear to be the result of long term regeneration of trees on the site rather than a planted woodland. The Arboricultural Officer has requested the submission of a Tree Survey, including a Tree Retention/Removal Plan, Arboricultural Method Statement and Tree Protection Plan. This information has not been requested as there are other reasons for refusal of the application. It is therefore considered that the development is contrary to NPF4 Policy 6 Forestry, Woodland and Trees.
- 6.5 NPF4 Policy 8 Green Belts sets out the types of development that would be supported in the Green Belt. Developments in these categories also require to demonstrate a specific locational need, that it would not undermine the purpose of the Green Belt, it is compatible with the surrounding established countryside and landscape character, has been designed to ensure it is of an appropriate scale that minimise visual impact and there will be no significant long-term impacts on the environmental quality of the Green Belt. The proposal is for the erection of a new build residential dwellinghouse which is not required for any of the purposes set out in Policy 8 and therefore there is no specific locational need for the dwellinghouse to be located in the Green Belt. The proposal is located on a greenfield site where there are no existing buildings. The proposal would result in the loss of trees from the Green Belt. The proposal is therefore considered to be contrary to NPF4 Policy 8.
- 6.6 NPF4 Policy 14 Design, Quality and Place aims to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle. It sets out six qualities of successful places, including whether the development is connected and sustainable. The site is located out with the settlement boundary therefore is not considered connected or sustainable development as it will increase emissions by encouraging vehicular travel. It is remote from services and facilities and would require the occupants to travel by private vehicle either to East Kilbride or Blantyre for activities including work, retail and leisure. It is, therefore, considered that the principle of the development is contrary to NPF4 Policy 14.

- 6.7 NPF4 Policy 15 Local Living and 20 Minute Neighbourhoods aims to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options. When assessing development proposals consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to a range of facilities and services. As set out above, the site is located out with the settlement boundary therefore is not considered connected or sustainable development as it will increase emissions by encouraging vehicular travel. It is remote from services and facilities and would require the occupants to travel by private vehicle either to East Kilbride or Blantyre for activities including work, retail and leisure. It is, therefore, considered that the proposed development is contrary to NPF4 Policy 15.
- 6.8 NPF4 Policy 16 Quality Homes aims to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities. It states that development proposals for new homes on land allocated for housing in Local Development Plans (LDPs) will be supported. The site is not identified as a housing site in the LDP. It is therefore considered that the proposed development is contrary to NPF4 Policy 16.
- 6.9 In terms of the adopted South Lanarkshire Local Development Plan 2, Policy 1 - Spatial Strategy states that the LDP will encourage sustainable economic growth and regeneration, protect and enhance the built and natural environment and move towards a low carbon economy. As the site is located within the Green Belt, the application requires to be assessed under Policy 4 'Green Belt and Rural Area'. This states that support will not be given for development proposals within the countryside, unless they relate to uses which must have a countryside location. As set out above, the proposal is for the erection of a new build residential dwellinghouse which is not required for any of the purposes set out in Policy 4 and therefore there is no specific locational need for the dwellinghouse to be located in the Green Belt. The proposal is located on a greenfield site where there are no existing buildings and would result in the loss of trees from the Green Belt. In respect of Policy GBRA1 Rural Design and Development, it sets out a number of criteria which developments in the Green Belt require to comply with. As set out above, there is no specific locational need for the dwellinghouse to be located in the Green Belt, it is located on a greenfield site where there are no existing buildings and the development would result in the loss of trees. The proposal is therefore considered to be contrary to SLLDP2 Policy 1 Spatial Strategy, Policy 4 Green Belt and Rural Area and Policy GBRA1 Rural Design and Development.
- 6.10 SLLDP2 Policy GBRA9 Consolidation of Existing Building Groups sets out a number of criteria which require to be met to be able to support new houses with existing building groups. Although the scale and siting of the proposed dwellinghouse could be considered to respect the scale, character, cohesiveness, spacing and amenity of the existing building group, consisting of the adjacent properties and the consented residential development to the north of Stoney Meadow Road the proposal is considered contrary to NPF4 Policy 8 Green Belts. There is considered to be no specific locational need for the dwellinghouse to be located in the Green Belt. The proposal is on a greenfield site where there are no existing buildings.

- 6.11 SLLDP2 Policy 2 - Climate Change states that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. As set out above, the site is located out with the settlement boundary therefore is not considered sustainable development as it will increase emissions by encouraging vehicular travel. It is remote from services and facilities and would require the occupants to travel by private vehicle either to East Kilbride or Blantyre for activities including work, retail and leisure. It is, therefore, considered that the principle of the development is contrary to SLLDP2 Policy 2 Climate Change.
- 6.12 SLLDP2 Policy 5 - Development Management and Placemaking and Policy DM1 - New Development Design state that development proposals should take account of and be integrated within the local context and built form. New development should also have no significant adverse impacts on the local community. The proposed dwellinghouse is considered to be contrary to NPF4 and the adopted LDP in respect of being located in the Green Belt, being unsustainable development and resulting in the loss of trees.
- 6.13 SLLDP2 Policy 14 - Natural and Historic Development and NHE13 Forestry and Woodland aim to protect and enhance woodland and trees. The site is populated by a number of small and medium trees which form tree cover across the majority of the site and significant areas would require to be cleared for the construction of the dwellinghouse, garden, access and parking. No tree survey has been provided by the applicant. The trees appear to be the result of long term regeneration of trees on the site rather than a planted woodland. The Arboricultural Officer has requested the submission of a Tree Survey, including a Tree Retention/Removal Plan, Arboricultural Method Statement and Tree Protection Plan. This information has not been requested as there are other reasons for refusal of the application. It is therefore considered that the development is contrary to SLLDP2 Policy 14 and Policy NHE13.
- 6.14 SLLDP2 Policy 15 Travel and Transport promotes sustainable travel, the reduction of travel by car and the need to reduce air pollution and greenhouse gas emissions. As set out above, the site is located out with the settlement boundary therefore is not considered connected or sustainable development as it will increase emissions by encouraging vehicular travel. It is remote from services and facilities and would require the occupants to travel by private vehicle either to East Kilbride or Blantyre for activities including work, retail and leisure. It is, therefore, considered that the proposed development is contrary to SLLDP2 Policy 15.
- 6.15 In conclusion, a full assessment of the proposals against the development plan has been carried out above. The site of the proposed dwellinghouse is located in the Green Belt and there is no specific locational need for the dwellinghouse to be located in the Green Belt. In addition, the proposal is located on a greenfield site where there are no existing buildings and the development would result in the loss of trees from the Green Belt. The site is located outwith the settlement boundary therefore the proposal is not considered to be sustainable development and will increase emissions by encouraging vehicular travel. The proposed development does not accord with policy in the approved NPF4 or the adopted SLLDP2. It is, therefore, recommended that planning permission be refused.

7 Reasons for Decision

- 7.1 There is no specific locational need for the dwellinghouse to be located in the Green Belt. The site is located out with the settlement boundary therefore the proposal is not considered to be sustainable development and will increase emissions by encouraging vehicular travel. The proposal would, therefore, be contrary to NPF4 Policies 1, 2, 6,

8, 14, 15 and 16, and Policies 1, 2, 4, 14, 15, GBRA1 and NHE13 of the adopted South Lanarkshire Local Development Plan 2 (2021).

David Booth
Executive Director (Community and Enterprise Resources)

Date: 26 May 2023

Previous references

- ◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 23 August 2022

- ▶ Consultations
 - Roads Development Management Team 15.09.2022
 - Environmental Services 13.04.2023
 - Arboricultural Services 05.04.2023
 - Countryside and Greenspace 26.08.2022

Contact for further information

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

Jane Weir, Planning Team Leader Floor 6, Council Offices, Almada Street, Hamilton,
ML3 0AA

Phone: 07795 455 502

Email: jane.weir@southlanarkshire.gov.uk

Reasons for refusal

01. The site is located in the Green Belt and there is no specific locational need for the dwellinghouse to be located in the Green Belt. As such the proposal is contrary to Policy 8 of the National Planning Framework 4 (2023).
02. The site is located in the Green Belt and there is no specific locational need for the dwellinghouse to be located in the Green Belt. As such the proposal is contrary to Policy 1 of the adopted South Lanarkshire Local Development Plan 2 (2021).
03. The site is located in the Green Belt and there is no specific locational need for the dwellinghouse to be located in the Green Belt. As such the proposal is contrary to Policy 4 of the adopted South Lanarkshire Local Development Plan 2 (2021).
04. The site is located in the Green Belt and there is no specific locational need for the dwellinghouse to be located in the Green Belt. As such the proposal is contrary to Policy GBRA1 of the adopted South Lanarkshire Local Development Plan 2 (2021).
05. The site is located out with the settlement boundary therefore the proposal is not considered to be sustainable development and will increase emissions by encouraging vehicular travel. As such the proposal is contrary to Policy 1 of the National Planning Framework 4 (2023).
06. The site is located out with the settlement boundary therefore the proposal is not considered to be sustainable development and will increase emissions by encouraging vehicular travel. As such the proposal is contrary to Policy 2 of the National Planning Framework 4 (2023).
07. The site is located out with the settlement boundary therefore the proposal is not considered to be sustainable development and will increase emissions by encouraging vehicular travel. As such the proposal is contrary to Policy 14 of the National Planning Framework 4 (2023).

08. The site is located out with the settlement boundary therefore the proposal is not considered to be sustainable development and will increase emissions by encouraging vehicular travel. As such the proposal is contrary to Policy 15 of the National Planning Framework 4 (2023).
09. The site is located out with the settlement boundary therefore the proposal is not considered to be sustainable development and will increase emissions by encouraging vehicular travel. As such the proposal is contrary to Policy 1 of the adopted South Lanarkshire Local Development Plan 2 (2021).
10. The site is located out with the settlement boundary therefore the proposal is not considered to be sustainable development and will increase emissions by encouraging vehicular travel. As such the proposal is contrary to Policy 2 of the adopted South Lanarkshire Local Development Plan 2 (2021).
11. The site is located out with the settlement boundary therefore the proposal is not considered to be sustainable development and will increase emissions by encouraging vehicular travel. As such the proposal is contrary to Policy 15 of the adopted South Lanarkshire Local Development Plan 2 (2021).
12. The proposed development would result in the loss of trees across significant areas of the site which would require to be cleared for the construction of the dwellinghouse, garden, access and parking. As such the proposal is contrary to Policy 6 of the National Planning Framework 4 (2023).
13. The proposed development would result in the loss of trees across significant areas of the site which would require to be cleared for the construction of the dwellinghouse, garden, access and parking. As such the proposal is contrary to Policy 14 of the adopted South Lanarkshire Local Development Plan 2 (2021).
14. The proposed development would result in the loss of trees across significant areas of the site which would require to be cleared for the construction of the dwellinghouse, garden, access and parking. As such the proposal is contrary to Policy NHE13 of the adopted South Lanarkshire Local Development Plan 2 (2021).



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South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

Report

7

Report to:	Planning Committee
Date of Meeting:	6 June 2023
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/22/1178
Planning proposal:	Erection of dwellinghouse with associated access and parking

1 Summary application information

Application type:	Detailed planning application
Applicant:	Mr and Mrs David Cornwell
Location:	Plot 3 Land 50M SSW of 1 Milton Cottage Milton Road Carluke South Lanarkshire

2 Recommendation(s)

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

(1) Refuse detailed planning permission (for the reason stated).

2.2 Other actions/notes

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

3 Other information

- ◆ Applicant's Agent: LBG Waterston
- ◆ Council Area/Ward: 01 Clydesdale West
- ◆ Policy Reference(s): **National Planning Framework 4 (2023)**
 Policy 1 – Tackling the climate and nature crises
 Policy 2 - Climate mitigation and adaptation
 Policy 4 - Natural places
 Policy 8 - Green belts
 Policy 9 - Brownfield, vacant and derelict land and empty buildings
 Policy 14 - Design, quality and place
 Policy 15 - Local Living and 20 minute neighbourhoods
 Policy 16 - Quality Homes

South Lanarkshire Local Development Plan 2 (Adopted 2021)

Policy 2 - Climate Change

Policy 4 - Green Belt and Rural Area

Policy 5 - Development Management and
Placemaking

Policy 14 - Natural and Historic Development

Policy GBRA1 - Rural Design and Development

Policy GBRA9 - Consolidation of Existing Building
Groups

Policy NHE16 - Landscape

◆ Representation(s):

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

◆ Consultation(s):

Countryside and Greenspace

Roads Development Management Team

Environmental Services

Scottish Water

Planning Application Report

1 Application Site

- 1.1 The application site, located in designated Green Belt close to the settlement edge of Carluke, is situated on vacant land. Whilst previously developed, the site has been cleared for many years and has naturally regenerated into scrub woodland. The site is relatively level and lies south of an existing building group comprising Milton Cottages (three separate dwellings) and a modern house built on the site of a demolished stables block. To the west is an area of woodland and to the east and south lies agricultural land. The site is accessed from Milton Road via an existing private access track (approximately 278m in length).

2 Proposal(s)

- 2.1 Planning permission is sought for the erection of a detached one and a half storey dwellinghouse (containing 4 bedrooms), finished in stonework, white render and slate substitute - features include entrance porch, pitched roof dormers with vertical timber boarding, solar panels and rear roof overhang to create a covered veranda. The design is generally reflective of traditional rural architecture, with a modern interpretation. The dwelling would be served by a driveway, parking spaces and a landscaped garden.
- 2.2 A Supporting Statement has been submitted addressing the implications of National Planning Framework 4 (NPF4) and details mitigating circumstances for justifying a departure in this instance.

3 Development Plan

3.1 National Planning Framework 4 (2023)

- 3.1.1 Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the South Lanarkshire Local Development Plan 2 (SLLDP2) (adopted 9 April 2021) and National Planning Framework 4 (NPF4) (adopted by Scottish Ministers on 13 February 2023). Section 24(3) of the 1997 Act confirms that if there is an inconsistency between NPF4 policies and a Local Development Plan which was adopted before 13 February 2023, then the policies in NPF4 prevail.
- 3.1.2 The National Planning Framework 4 (NPF4) was approved by Scottish Ministers on 13 February 2023 and now forms part of the Development Plan. The following NPF4 policies are of particular relevance in the assessment of this proposal:-
- Policy 1 - Tackling the climate and nature crises
 - Policy 2 - Climate mitigation and adaptation
 - Policy 4 - Natural places
 - Policy 8 - Green belts
 - Policy 9 - Brownfield, vacant and derelict land and empty buildings
 - Policy 14 - Design, quality and place
 - Policy 15 - Local Living and 20 minute neighbourhoods
 - Policy 16 - Quality Homes
- 3.1.3 It is considered that the proposal does not accord with the general provisions or relevant policies of NPF4 and the detailed assessment is contained in Section 6 of this report.

3.2 South Lanarkshire Local Development Plan 2 (2021)

3.2.1 The application site is designated as green belt land in the adopted SLLDP2. The relevant policies in terms of the assessment of the application are:-

Policy 2 - Climate Change

Policy 4 - Green Belt and Rural Area

Policy 5 - Development Management and Placemaking

Policy 14 - Natural and Historic Development

Policy GBRA1 - Rural Design and Development

Policy GBRA9 - Consolidation of Existing Building Groups

Policy NHE16 - Landscape

3.2.2 It is considered that the proposal does not accord with the relevant policies of SLLDP2 and the detailed assessment is contained in Section 6 of this report.

3.3 Planning Background

3.3.1 Planning Permission (ref P/20/0807) was granted for a dwelling and storage shed on the site of a demolished stables, adjacent to the current planning application site.

3.3.2 Following recent site visits to the site, it was discovered that construction of the house which is the subject of this report has commenced. In addition, it was also discovered that 4 chalets have been constructed for residential use on land adjacent to the application site without planning permission. At the time of the site visit it appeared that the 4 chalets were occupied. As a result, enforcement proceedings (ENP/22/0336) have commenced on the adjacent site in order to address this breach of planning control.

3.3.3 A planning application (ref P/21/1780) was submitted for the erection of three houses at this site and subsequently withdrawn prior to determination, as it was likely to be refused as it did not comply with the relevant Local Development Plan policies at that time.

4 Consultation(s)

4.1 **Countryside and Greenspace** – No objection. The private access road, a recorded right of way, should remain accessible to all non-motorised access (walking, cycling and equestrian) during and after the construction phase, and the width of the right of way should not be reduced in any way by the proposed development.

Response: Noted.

4.2 **Roads Development Management Team** – No objections to this application subject to conditions covering passing places, visibility, and parking provision. Generally, no more than 5 dwellings should be permitted without being served from an upgraded adopted road and this requires a Road Construction Consent (RCC) to be submitted. In this instance, the application site is served from an existing private access and there are currently 4 lawful residential dwellings using this access. As such, the additional dwelling proposed would not trigger the requirement for RCC. It is noted that there are also unauthorised chalets adjacent to the application site which are not considered to contribute to the number of dwellings using the existing access.

Response: Noted.

4.3 **Environmental Services** – No objection subject to conditions requiring a contaminated land investigation/remediation strategy and informatives on construction noise, nuisance, pest control and a remediation completion report.

Response: Noted.

- 4.4 Scottish Water** - There is sufficient capacity at the Camps Water Treatment Works and at the Maudslie Waste Water Treatment for a foul only connection. For reasons of sustainability and to protect their customers from potential future sewer flooding, Scottish Water do not accept any surface water connections into their combined sewer system.

Response: Noted.

5 Representation(s)

- 5.1 In response to the carrying out of neighbour notification and the advertisement of the application in the local press for non-notification of neighbours, no representations have been received.

6 Assessment and Conclusions

- 6.1 The determining issues in the consideration of this application are its compliance with the National Planning Framework 4 (NPF4) and adopted South Lanarkshire Local Development Plan 2 (SLLDP2).
- 6.2 NPF4 Policy 1 requires that when considering all development proposals, significant weight will be given to the global climate and nature crises. NPF4 Policy 2 Climate Change and Mitigation expands on this requiring all new developments to be sited and designed (1) to minimise lifecycle greenhouse gas emissions as far as possible and (2) to adapt to the current and future risks from climate change. The Chief Planner letter (4 February 2023) confirms that at this stage quantitative assessments are not expected for all applications. In the absence of a methodology for measuring the emissions which would result from the emissions of the proposed buildings, it is considered appropriate at this time to instead consider the general sustainability of the proposal in land-use planning terms (whether the use of previously developed land as housing land is supportable when assessed against other relevant policies in NPF4) and use that as an indicator in whether or not is likely to minimise emissions and adapt to current and future impacts of climate change.
- 6.3 NPF4 Policy 8 – Green Belts states that development proposals will only be supported within green belts where they (i) are for:-
- ◆ Development associated with agriculture, woodland creation, forestry;
 - ◆ Residential accommodation required for a key worker in a primary industry within the immediate vicinity of their place of employment;
 - ◆ Horticulture, including market gardening;
 - ◆ Outdoor recreation, play and sport or leisure and tourism use;
 - ◆ Flood risk management;
 - ◆ Essential infrastructure or new cemetery provision;
 - ◆ Minerals operations and renewable energy developments;
 - ◆ Intensification of established uses, including ancillary extensions to existing buildings;
 - ◆ The re-use or rehabilitation of historic environment assets; or
 - ◆ One-for-one replacements of existing permanent homes.

and (ii) when reasons are provided as to why:-

- ◆ a green belt location is essential; and
- ◆ the purpose of the greenbelt at that location is not undermined; and
- ◆ the proposal is compatible with the surrounding established countryside and landscape character; and
- ◆ the proposal has been designed to an appropriate scale, massing and external appearance to minimise visual impact; and
- ◆ there will be no significant long-term impacts on the environmental quality of the green belt.

The proposed erection of a dwellinghouse does not meet any of the above criteria in part (i) of the policy and does not pass the tests in part (ii). As such, the proposal is contrary to Policy 8 of National Planning Framework 4.

- 6.4 NPF4 Policy 9 - Brownfield, vacant and derelict land and empty buildings aims to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings to help reduce the need for greenfield development. As advised earlier in this report, the application site has been cleared of buildings. Prior to recent unauthorised development, the site had a naturalised state. Policy 9 states that when determining whether the re-use of a brownfield site is sustainable, the biodiversity value of the brownfield land which has naturalised should be taken into account. As such, the proposal is not considered to comply with Policy 9 and even were it to meet the criteria, the semi-naturalised state of the site (prior to recent unauthorised development) means that this would likely be outweighed by the proposals variance with Policy 8 – Green Belts of NPF4.
- 6.5 NPF4 Policy 14 – Design, Quality and Place advises that proposals will be supported where they are consistent with the 6 qualities of successful places. It confirms that proposals which are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the 6 qualities of place will not be supported. The proposed erection of a single dwellinghouse in the green belt, contrary to policies designed to preserve that green belt, is not considered to be characteristic of a sustainable place and, as such, is contrary to Policy 14 of NPF4.
- 6.6 NPF4 Policy 15 – Local Living and 20 minute neighbourhoods seeks to create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by using sustainable transport options. A site placed just beyond the settlement boundary, would have access to a significant number of the criteria listed in Policy 15. However, it should also be noted that encouraging new homes just outwith approved settlement boundaries, within the designated green belt, leads to exactly the sort of sprawled out, unconnected residential areas lacking facilities and services that this policy is designed to avoid. Whilst residents might indeed have access to many of the facilities/benefits of local living identified in the policy, the development itself would run directly contrary to the policy intent, namely to create connected and compact settlements and mixed-use neighbourhoods. As such, the proposal is not considered compatible with the intent of Policy 15 of NPF4.
- 6.7 NPF4 Policy 16 – Quality Homes seeks to encourage, promote and facilitate the delivery of high quality homes, in the right locations. It advises that development proposals for new homes on land not allocated for housing in the Local Development Plan (LDP) will only be supported in limited circumstances where:-
- i. the proposal is supported by an agreed timescale for build-out; and
 - ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods;
 - iii. and either:-
 - delivery of sites is happening earlier than identified in the deliverable housing land pipeline.; or
 - the proposal is consistent with policy on rural homes; or
 - the proposal is for smaller scale opportunities within an existing settlement boundary; or
 - the proposal is for the delivery of less than 50 affordable homes.

- 6.8 The proposed housing development is not consistent with the spatial strategy and other relevant policies in the plan and does not involve, delivery of a site in the housing land pipeline, housing in the rural area, an opportunity within an existing settlement boundary or a proposal for affordable homes, As such, the proposal is directly contrary to Policy 16 – Quality Homes of NPF4.
- 6.9 In terms of Local Development Plan policy, the application site lies within the Green Belt and is subject to assessment against Policy 4 - Green Belt and Rural Area of the adopted SLLDP2. This states that the purpose of the green belt is to direct development to appropriate locations, protect and enhance the character and landscape setting of settlements and to protect and provide access to open space. It goes on to advise that development which does not require to be located in the countryside will be expected to be included within a settlement boundary. The proposed dwelling does not need to be in the countryside and it is not sustainable to incrementally add additional housing to this Green Belt location. As such, the proposal is considered to be contrary to Policy 4 of the South Lanarkshire Local Development Plan 2.
- 6.10 Given that the principle of development is not considered to be acceptable in this location, the design of the proposed dwelling in terms of Policies 5 ‘Development Management and Place Making’ and GBRA1 ‘Rural Design and Development’ of SLLDP2 is not considered to be a determining factor in the assessment of this application.
- 6.11 Notwithstanding this, the design of the dwelling reflects a mix of traditional and contemporary, with a limited blend of external finishes. The proposal is therefore generally satisfactory in terms of Policy 5 of the SLLDP2.
- 6.12 The policies in the SLLDP2 which can be used to justify new residential buildings in the green belt are GBRA5 – Redevelopment of previously developed land containing buildings, GBRA8 – Development of Gap Sites and GBRA9 – Consolidation of building groups. None of those policy exceptions apply in this instance as the proposal is on a site with no remaining buildings; does not constitute the consolidation of an existing building group (being distinct from the buildings to the north and in effect extending the group south of the access, rather than consolidating it); and which is not a gap site (having open countryside on 3 sides). As, such the proposal is contrary to the Green Belt and Rural Area policies GBRA5, GBRA8 and GBRA9 of SLLDP2.
- 6.13 Policy 2 Climate Change of SLLDP2 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.
- 6.14 The site is not at risk of flooding. If the proposal was considered acceptable the applicant could be asked to submit further details of low carbon technology; a tree planting scheme and the installation of electric vehicle charging points for the approval of the planning authority. In consideration, the proposals would not undermine the objectives of Policy 2 of the South Lanarkshire Local Development Plan 2 (2021).
- 6.15 Policy 14 – Natural and Historic Environment of SLLDP2 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.

- 6.16 Policy NHE16 – Landscape of the SLLDP2 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.
- 6.17 The site falls within the Urban Fringe Farmlands where further incremental release of land for residential development should be carefully planned and the use of vernacular building designs is encouraged. The proposed development reflects traditional rural architecture with appropriate contemporary features. No historic or landscape features which contribute to landscape quality will be affected. In view of these circumstances the proposal complies with policies 14 and NHE16.
- 6.18 In summary, taking all of the above into account, it is considered that the proposed development would constitute inappropriate development with regards to the sites Green Belt designation and there are no exceptions to policy, in either NPF4 or SLLDP2, which would justify a dwellinghouse in this location. As such, the proposed development fails to adhere to the provisions of the development plan, with specific regard to Policies 1, 2, 8, 9, 14, 15 and 16 of National Planning Framework 4 (adopted 2023) and Policies 4, GBRA5, GBRA8 and GBRA9 of the South Lanarkshire Local Development Plan 2 (adopted 2021) and there are no material considerations which would outweigh this variance with the development plan. In view of this, it is recommended that the application is refused planning permission.

7 Reasons for Decision

- 7.1 The proposal is contrary to Policies 1, 2, 8, 9, 14, 15 and 16 of National Planning Framework 4 (adopted 2023) and Policies 4, GBRA5, GBRA8 and GBRA9 of the South Lanarkshire Local Development Plan 2 (adopted 2021) and there are no material considerations which would outweigh this variance with the development plan.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 25 May 2023

Previous references

- ◆ P/20/0807

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ National Planning Framework 4 (adopted 2023)
- ▶ Neighbour notification letter dated 7 September 2022

► Consultations	
Countryside and Greenspace	12.09.2022
Environmental Services	29.09.2022
Scottish Water	09.09.2022
Roads Development Management Team	14.02.2023

Contact for further information

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

David Russell, Team Leader, Floor 6, Council Offices, Almada Street, Hamilton,
ML3 0AA

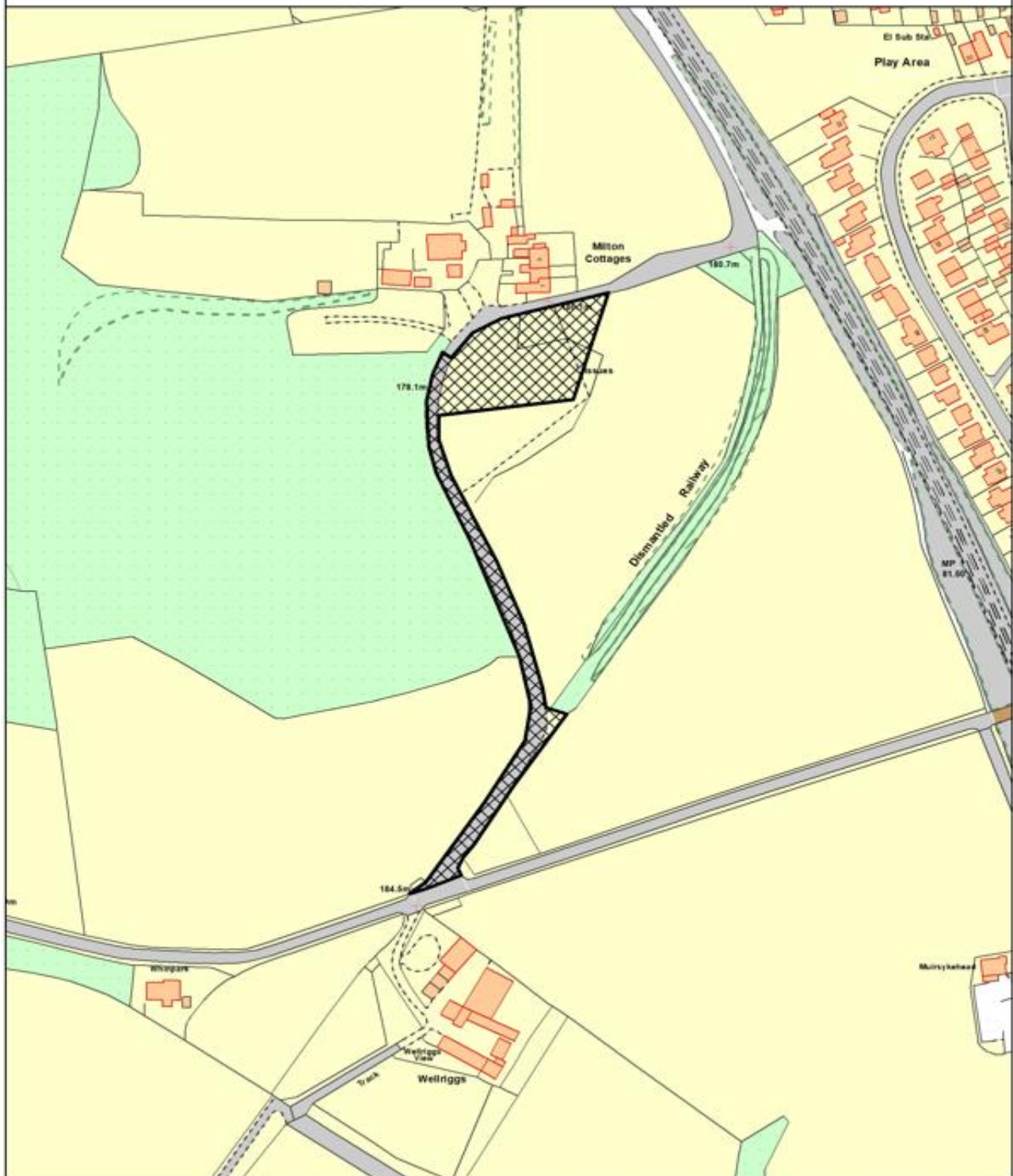
Phone: 07551 845 757

Email: David.Russell@southlanarkshire.gov.uk

Reasons for refusal

01. The proposal would be contrary to Policy 8 – Green belts of National Planning Framework 4 as it does not meet the criteria set out in the policy for green belt development and as such fails to encourage, promote and facilitate compact urban growth and use the land around our towns and cities sustainably.
02. The proposal would be contrary to Policies 4 - Green Belt and Rural Area of the South Lanarkshire Local Development Plan 2 as it would constitute an inappropriate form of development, that cannot be justified under policies GBRA5, GBRA8 or GBRA9 and which adversely affects the character of the Green Belt at this location.
03. The proposal would be contrary to Policy 9 - Brownfield, vacant and derelict land and empty buildings of National Planning Framework 4 as the site no longer has any buildings upon it, has reverted to a naturalised state with biodiversity value and is not allocated housing land.
04. The proposal would be contrary to Policy 14 – Design, Quality and Place of National Planning Framework 4 as it is not consistent with the 6 qualities of successful places. Specifically, it fails to achieve the characteristics of a sustainable place.
05. The proposal would be contrary to Policy 15 - Local Living and 20 minute neighbourhoods of National Planning Framework 4 as it fails to create connected and compact settlements and mixed-use neighbourhoods.
06. The proposal would be contrary to Policy 16 – Quality Homes of National Planning Framework 4 as it does not constitute the delivery of high quality homes in the right locations as set out in the policy criteria.

P/22/1178 Milton Cottage, Milton Road, Carluke



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Date:
15/05/2023



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

Report

8

Report to:	Planning Committee
Date of Meeting:	6 June 2023
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/22/1247
Planning proposal:	Change of use from agricultural to horticultural and landscape gardening yard and orchard for soils, gravel and a maximum of 2 screened off shipping containers

1 Summary application information

- Application type: Detailed planning application
- Applicant: GGM Limited
- Location: Land 50M Northeast of Dalton School Lodge
Flemington Road
Cambuslang

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: Gerard Creanor
- ♦ Council Area/Ward: 14 Cambuslang East
- ♦ Policy Reference(s): **National Planning Framework 4**
Policy 1 - Tackling the Climate and Nature Crises
Policy 2 - Climate Mitigation and Adaptation
Policy 8 - Green Belts
Policy 26 - Business and Industry

Adopted South Lanarkshire Local Development Plan 2

Policy 1 - Spatial Strategy

Policy 2 - Climate Change

Policy 4 - Green Belt and Rural Area

Policy 5 - Development Management and Placemaking

Policy 8 - Employment

Policy 14 - Natural and Historic Environment

Policy GBRA2 - Business Proposals within Green Belt and Rural Area

Policy DM1 - New Development Design

◆ Representation(s):

▶	17	Objection Letters
▶	1	Support Letter
▶	0	Comment Letters

◆ Consultation(s):

Roads Development Management Team

Environmental Services

West of Scotland Archaeology Service

Planning Application Report

1 Application Site

- 1.1 The application site is an open area of agricultural land located within the Green Belt and is adjacent to the settlement boundary of Cambuslang. The site area is approximately 0.4 hectares and is bound to the north-east by Hamilton Road, to the north-west by Flemington Road, the south-west by Dalton School House and the south east by agricultural land. The site is located 10 metres east of a major new housing development and would be accessed from Flemington Road, where a new access would be formed. The site is currently covered in rough grassland with boundary planting of trees and shrubs along the north-east and south-west boundaries. The site gradient rises gradually from the north of the site to the south.

2 Proposal(s)

- 2.1 Detailed planning permission is sought for the change of use from an agricultural field to a horticultural and landscape gardening yard, an orchard, storage for soils and gravel and the siting of a maximum of 2 screened off shipping containers. Entrance to the site would be from Flemington Road with the gates set back from the road. The site would be bound by a 2-metre-high fence with boundary planting proposed along most of the site boundary. The site would contain an area for growing trees, storage booths for gravel, bark and sand and two shipping containers for lockable storage. The site would also provide 6 parking spaces constructed from a permeable surface material, 2 electrical charging points and a vehicle turning circle.

3 Development Plan

3.1 National Planning Framework 4

- 3.1.1 The National Planning Framework 4 was approved by the Scottish Ministers on 13 February 2023 and now forms part of the Development Plan. National Planning Framework 4 (NPF4) provides Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places and productive places.

- 3.1.2 In respect of NPF4 the following policies are of relevance in the assessment of this proposal:-

- ◆ Policy 1 - Tackling the Climate and Nature Crises
- ◆ Policy 2 - Climate Mitigation and Adaptation
- ◆ Policy 8 - Green Belts
- ◆ Policy 26 - Business and Industry

3.2 South Lanarkshire Local Development Plan 2

- 3.2.1 The site is identified within the adopted South Lanarkshire Local Development Plan 2 (2021) (SLLDP2) as being located within the Green Belt. The following policies require to be taken into consideration:-

- ◆ Policy 1 - Spatial Strategy
- ◆ Policy 2 - Climate Change
- ◆ Policy 4 - Green Belt and Rural Area
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 8 - Employment
- ◆ Policy 14 - Natural and Historic Environment
- ◆ Policy GBRA2 - Business Proposals within Green Belt and Rural Area
- ◆ Policy DM1 - New Development Design

3.3 **Planning Background**

- 3.3.1 Planning Application P/22/0628 for the change of use from agriculture to landscape gardening company yard and store for soils, gravel and siting of two shipping containers was validated on 17 May 2022. The application was withdrawn by the applicant on 8 July 2022.

4 **Consultation(s)**

- 4.1 **Roads and Transportation Services (Development Management)** – raise no objection to the proposed development subject to a number of relevant conditions relating to matters such as parking, visibility, footpath provision and signage.

Response: Noted. Should planning permission be approved, the appropriate conditions would be attached to any decision issued.

- 4.2 **Environmental Services** – raised no objection to the proposed development subject to conditions in relation to noise levels from the site, commercial waste control, dust mitigation and an advisory note relating to the Health and Safety at Work Act 1974 etc, noise – construction and demolition, nuisance, demolition and pest control and contamination caution.

Response: Noted. Should planning permission be approved, the appropriate condition and advisory note would be attached to any decision issued.

- 4.3 **West of Scotland Archaeology Service** – the proposal raises no archaeological matters.

Response: Noted.

5 **Representation(s)**

- 5.1 Following the statutory period of neighbour notification and advertisement in the Rutherglen Reformer in relation to non-notification of neighbours, eighteen letters of representation (17 objection and 1 support) have been received. The issues raised are summarised as follows:-

- ◆ Road, traffic and pedestrian safety implications
- ◆ Inappropriate use in the Green Belt
- ◆ Noise, light and dust implications
- ◆ Archaeological concerns
- ◆ Implications for local wildlife
- ◆ Disregard for planning protocols
- ◆ Removal of existing trees

- 5.2 The above issues are considered in section 6 of this report and full copies of the representations are available to view on the planning portal.

6 **Assessment and Conclusions**

- 6.1 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the approved National Planning Framework 4 2023 (NPF4) and the adopted South Lanarkshire Local Development Plan 2 2021 (SLLDP2).

- 6.2 NPF4 Policy 1 - Tackling the Climate and Nature Crises and NPF4 Policy 2 - Climate Mitigation and Adaptation aim to ensure that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. The proposal would involve the extensive planting of trees and shrubs for the boundary planting and horticultural stock at the site, which would assist with reducing local CO₂ levels. The plans also contain the proposal to provide two electrical vehicle charging

points. It is, therefore, considered that the proposed development would comply with the aims of Policy 1 or 2 of NPF4.

- 6.3 Policy 8 - Green Belts of NPF4 advises that proposals within the Green Belt will be supported if they are for the creation of woodland, horticulture, including market gardening. This policy also requires that the purpose of the Green Belt at the location is not undermined. The development of the site is proposed to locate an expanding landscaping and horticultural business with the requirement to cultivate trees and shrubs for landscaping proposals at this location. The function of the Green Belt would not be undermined as there are no permanent structures proposed within the site and the temporary shipping containers can be easily removed if required.
- 6.4 The proposed parking and hardstanding would be constructed of a permeable surfacing material. This would allow for the through growth of vegetation and the site would be able to return to a natural state without intervention if the use discontinued at the site. It is therefore considered that the proposed use is acceptable in terms of Policy 8 and that the proposal would not permanently impact on the purpose of the Green Belt and, as such, complies with Policy 8 of NPF4.
- 6.5 Policy 26 - Business and Industry of NPF4 seeks to encourage, promote and facilitate business and industry and that recovery within business and industry is sustainable and inclusive. Proposals shall take into account the impact on surrounding residential amenity and the natural and historic environment. There also needs to be consideration for appropriate site restoration at the end of a period of commercial use. This proposal would facilitate the expansion of a local horticultural and landscaping business. The temporary nature of the proposed structures would not permanently impact on the natural environment and consideration has been given to the restoration of the site to a natural form should the business use end. The applicant has advised that the business supports a significant number of local employees and also has an apprenticeship programme for staff members. The type of business is considered an appropriate use within the Green Belt and a number of conditions to control the use, what is stored at the site, boundary fencing and planting can be added if the proposal is approved.
- 6.6 In terms of the adopted South Lanarkshire Local Development Plan 2, Policy 1 - Spatial Strategy of the SLLDP2 states that the LDP will encourage sustainable economic growth and regeneration and protect and enhance the built and natural environment. The proposal would contribute to the sustainable economic growth of South Lanarkshire and the temporary nature of the structures and parking areas within the site would not have a permanent lasting impact on the natural environment at this location. It is therefore considered that the proposed development complies with Policy 1 Spatial Strategy.
- 6.7 Policy 2 – Climate Change states that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. The proposed development would facilitate a substantial amount of tree and shrub planting at the site which mitigate against the effects of climate change and, as such, is considered to comply with Policy 2 of the SLLDP2.
- 6.8 Policy 4 - Green Belt and Rural Area of the SLLDP2 advises that the purpose of the Green Belt is to direct development to the most appropriate locations and support regeneration, protect and enhance the character, landscape setting and identity of the settlement. The proposed site is located on land identified in the SLLD2 as Green Belt and is directly opposite the settlement boundary which includes a site for residential development. The proposed use as a landscape and horticultural yard would primarily

be used to store and grow materials to be used to support an expanding horticultural business. It is considered that, with a comprehensive range of operational conditions, that the proposal complies with Policy 4 - Green Belt and Rural Area of the SLLDP2.

- 6.9 Policy 5 - Development Management and Placemaking advises that proposals should have no unacceptable significant adverse impacts on the local community and the environment, and that the development shall not have an unacceptable significant adverse impact on the amenity of any nearby residential properties in terms of overshadowing, overlooking or other loss of residential amenity as a result of light, noise, odours, dust or particulates or other emissions. The site would be opposite a new housing development, however, there would be no built structures which would impact on the privacy of adjacent residential properties. An objection raised a potential issue relating to dust from the site. The site would remain predominantly surfaced in vegetation which is unlikely to result in a significant increase of dust levels from the site. However, should issues relating to dust levels arise, this can be measured and monitored by the Council and any required mitigation measures can be implemented.
- 6.10 Policy 8 - Employment of the local development plan states that the Council will support sustainable economic growth and regeneration by encouraging the development of business in South Lanarkshire through the identification of employment land use areas. Proposals for business developments out with the identified land will be assessed against the relevant SLLDP2 policies which apply in the area where they are located. As mentioned previously, the mixed nature of the land type required for this type of business is not ideally located within an industrial site as land for horticulture is rarely available. The applicant has advised that the business employs a substantial number of local people and that a larger site where materials can be stored and grown on site would assist with the economic growth and additional employment opportunities. There is a justifiable reason for the proposed location which would support the economic growth of the business and, as such, the proposal is compliant with Policy 8 of the SLLDP2.
- 6.11 Policy GBRA2 - Business Proposals within Green Belt and Rural Area of the local development plan states that agricultural, forestry and horticultural developments are considered appropriate in the Green Belt and Rural Area. Given that the proposal relates to a landscaping and horticultural business, the proposal is considered to comply with Policy GBRA2.
- 6.12 It is noted that trees have been removed at the entrance of the site to achieve the required visibility splays. The trees removed were not in a protected Conservation Area, associated with a Listed Building or subject to a Tree Preservation Order. The existing trees along the boundary with Hamilton Road and Dalton School Lodge are considered to contribute to the local character and visual amenity. The proposal is therefore not considered contrary to Policy 14 of the SLLDP2.
- 6.13 Policy DM1 - New Development Design states that new development will require 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. The policy also requires that new development shall respect the local context and be appropriate to the character and topography of the site in terms of layout, scale, proportion, massing and appearance of buildings, structures and landscaped and hard surfaced areas. It is considered that the siting of the landscaping and horticultural yard at this location respects the character and appearance of the Green Belt as the appearance of the temporary buildings will reflect the setting with appropriate cladding. Although the proposal is located within the Green Belt, the site is on the settlement edge and is accessible by public transport. It

is considered that with the inclusion and compliance with the relevant conditions, that the proposal would be acceptable in terms of Policy DM1.

- 6.14 A comprehensive set of conditions in relation to roads matters have been attached following consultation with the Roads Service covering matters such as access, parking, pedestrian provision and construction management. It should also be noted that the West of Scotland Archaeology Service has confirmed that the proposal raises no archaeological matters and Environmental Services are satisfied that there will be no issues in relation to noise light or dust subject to appropriate conditions being applied. In addition, the applicant is required to liaise with BT Openreach in relation to the existing telegraph poles on site. The Planning Service would recommend that a temporary (3 years) and personal consent for the development proposal be included to allow for a period to assess the operation of the development and the compliance with any conditions attached to the decision notice. The applicant would also be made aware that there would be a number of conditions which would require to be discharged before works commenced on site. Whilst it is acknowledged that some work has commenced on site, these works have been suspended until further notice.
- 6.15 In conclusion, it is noted that the principle for this type of business, at this location is supported by NPF4 and SLLDP2 policies. The proposal is for the expansion of an existing local landscaping and horticultural business which provides local employment. The site is accessible by public transport and would have no significant or permanent impact on the Green Belt or the natural or historic environment. There are no objections from statutory consultees. It is therefore recommended that planning permission be granted.

7 Reasons for Decision

- 7.1 The proposed development would have no significant adverse impact on the Green Belt setting or local amenity and complies with Policies 1, 2, 7, 8 and 26 of NPF4 (2023) and Policies 1, 2, 4, 5, 8, 14, GBRA2 and DM1 of the South Lanarkshire Local Development Plan (2021).

David Booth

Executive Director (Community and Enterprise Resources)

26 May 2023

Previous references

♦ P/22/0628

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ NPF4
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 09.09.2022

- ▶ Consultations
 - Roads Development Management Team 12.04.2023
 - Environmental Services 23.09.2022
 - West of Scotland Archaeology Service 07.06.2022

Contact for further information

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

Iain Morton, Team Leader, Floor 6, Council Offices, Almada Street, Hamilton, ML3 0AA

Phone: 07551 842 788

Email: iain.morton@southlanarkshire.gov.uk

Conditions and reasons

01. That the granting of planning consent is for a temporary period of three years and shall expire after three years from the date of the consent.

Reason: To allow for a period to assess the operation on site and to retain effective planning control.

02. In the event that a further planning application is not approved after the temporary three-year period, all structures on the site must be removed and the site reinstated to the satisfaction of the planning authority.

Reason: In order to ensure the satisfactory reinstatement of the land and in the interests of visual amenity.

03. That this permission shall operate for the benefit of Jordan Grant of GGM Limited only and for no other person and on the discontinuance of the occupation of the site by the said person, the hereby approved use shall cease to the satisfaction of the Council as Planning Authority.

Reason: Permission is granted in this case solely because of the business requirements of the applicant.

04. That within one month of the date of the planning approval, full details of the proposed boundary tree planting shall be submitted to and approved in writing by the Council as Planning Authority. This will include details of the species and maturity and shall be carried out in accordance with those details. The approved planting scheme shall be implemented within the first available planting season.

Any trees that are found to be dead, dying, severely damaged or diseased within two years of the completion of the planting scheme shall be replaced in the next planting season by specimens of similar size and species.

Reason: To safeguard and enhance the amenity of the area and to enhance its setting within the immediate locality.

05. That before any development commences on site or before any materials are ordered or brought to the site, details of the proposed fencing and gates to be erected at the site shall be submitted to and approved by the Council as Planning Authority.

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

06. That before any development commences on site details of timber cladding for the shipping containers shall be submitted to and approved by the Council as Planning Authority. The approved cladding shall be attached to the shipping containers within one month from the date the materials are approved.

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

07. That prior to any works commencing on site, the applicant shall take down the existing metal parapet wall and stone abutments in accordance with drawing 022-326-006 (Revision A) and that the applicant ensure that all stages of the works are inspected by the Council's Bridges and Structures Section and approved prior to any works being backfilled or the new footway and vehicular access works being progressed.

Reason: In the interest of road and pedestrian safety.

08. That the applicant shall arrange for the existing street lighting column R1 on Flemington Road to be relocated by the Council's Street Lighting Department at the applicant's expense and that these works be completed prior to final surfacing of the new footway.

Reason: To ensure the street lighting column is positioned on the new footway.

09. That the applicant shall arrange for the existing back-to-back 40mph/National Speed Limit sign on Flemington Road to be relocated to the back of the new footway on a 76mm diameter galvanised pole with mounting height to underside of both signs being 2300mm and that these works be completed prior to final surfacing of the new footway.

Reason: To ensure the speed limit sign is correctly positioned on the new footway.

10. That prior to the site hereby approved being completed or brought into use, a 2.5metre by 43metre visibility splay, as shown on drawing 022-326-002 (Revision D), shall be provided and maintained by the applicant in both directions from the new access onto Flemington Road such that no obstructions greater than 1.05metres in height shall be permitted within the visibility splays when measured above the adjacent nearside road channel level, and that the visibility splay shall be maintained by the site owner free of any obstructions or planting all to the satisfaction of the Council as Planning and Roads Authority.

Reason: In the interest of road safety and ensure the required visibility splays are maintained.

11. That a 4.5 metre by 215 metre visibility splay shall be maintained in perpetuity looking east along Hamilton Road therefore no material storage, plants, trees, equipment, vehicles, buildings or storage containers shall be located within the development site hereby approved within this visibility splay.

Reason: In the interest of road safety and ensure the required visibility splays are maintained.

12. That prior to the site hereby approved being completed or brought into use, a new 2.0metre wide pedestrian footway shall be formed on Flemington Road across the site frontage and be extended to the existing footway on Hamilton Road incorporating a 2.0metre wide pedestrian dropped kerb on both sides of the new site access.

Reason: To ensure the provision of a pedestrian footway to access the site.

13. That the proposed vehicular access shall incorporate a flush bullnose kerb set 2.0metres behind and parallel to the nearside road channel line of Flemington Road to delineate the limit of proposed adoption and that a flush heel kerb shall be laid within the new footway to delineate the limit of footway adoption.

Reason: To delineate the footpath adoption area.

14. That prior to the site hereby approved being completed or brought into use the site access shall be formed generally in accordance with drawing 022-326-002 (Revision D) and 022-326-007 (Original) and to the specification to be agreed in writing with the Council and thereafter shall be implemented in accordance with the approved drawings and specification and thereafter maintained all to the satisfaction of the Council as Planning and Roads Authority.

Reason: In the interest of road and pedestrian safety.

15. That the proposed vehicle access gate shall be located 18 metres back from the nearside channel line of Flemington Road as shown on drawing 022-326-002 (Revision D) and open inwards to the site.

Reason: In the interest of road safety.

16. That prior to works commencing on site the applicant shall submit a Stage 2 Road Safety Audit and Designer's Response in support of the Road Construction Consent application relating to the proposed access and footway works; the audit shall be undertaken in accordance with the Design Manual for Roads and Bridges and thereafter, any agreed measures shall be implemented on site to the satisfaction of the Council as Planning Authority.

Reason: In the interest of road safety.

17. That prior to the site hereby approved being completed or brought into use the applicant shall form 6 No car parking spaces and these shall be laid out generally in accordance with the drawing 022-326-002 (Revision D) and that the spaces be provided in 2.5metre by 5.5metre modules. The car parking spaces shall be constructed of permeable grass surfacing materials.

Reason: To ensure the provision of parking facilities at the site which minimises the visual and environmental impact of any hard standing within the Green Belt setting.

18. That prior to the site hereby approved being completed or brought into use the applicant shall install and then maintain 1No dual charge units (or 2No single charge points) as shown on drawing 022-326-002 (Revision D) and in accordance with the Council's supporting planning guidance for electric vehicle charging points (August 2022).

Reason: In the interest of sustainability and climate change.

19. That prior to commencement of any works on site the applicant shall submit, for the written approval of the Council as Planning and Roads Authority, a Traffic Management Plan (TMP) to cover all construction traffic access entering off Flemington Road via Hamilton Road. The TMP shall include wheel washing arrangements ensuring Flemington Road is kept clear of deleterious material, delivery routes, compound layout, construction staff parking, on-site turning area and arrangements for a road dilapidation survey of Flemington Road. Once approved works shall be undertaken in accordance with the approved TMP to the satisfaction of the Council as Planning and Roads Authority. All vehicles, including delivery vehicles, shall be parked within the site and no vehicles shall be parked at any time on the public road.

Reason: In the interest of road and traffic safety.

20. That prior to any works commencing on site, the applicant shall undertake a joint dilapidation survey of the construction traffic route identified and agreed through the Traffic Management Plan with representatives of the Roads Area Office and submit to the Council a record of the survey, together with arrangements for subsequent inspection and repair during the construction phase; all for the written approval of the Council as Roads Authority.

Reason: To assess the road condition prior to the occupation of the site and to ensure that any required repairs are implemented.

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

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

22. That only materials which relate to the landscaping business shall be stored at the site.

Reason: To safeguard the amenity of the area.

23. That no consent is hereby approved for any floodlighting at the site. Any proposed flood lighting will require the submission of a further planning application.

Reason: To safeguard the surrounding amenity and road safety.

24. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any such order revoking or re-enacting that order), the use of the site hereby approved shall be restricted to use as a landscaping and horticultural yard and for no other purpose without the prior written consent of the Council as Planning Authority and no visiting members of the public are permitted to visit the site at any time.

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

25. That the existing trees along the north-eastern boundary with Hamilton Road and the south-western boundary with Dalton School shall be retained. Any works to the trees will require further written approval from the Council as Planning Authority.

Reason: to safeguard the existing amenity of the area.

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

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

27. That prior to the site hereby approved being completed or brought into use, the first 18 metres of the site access shall be surfaced in a bound material and trapped to prevent any surface water or deleterious material from entering Flemington Road all to the satisfaction of the Council as Planning and Roads Authority.

Reason: In the interest of road and traffic safety.

28. That the hours of operation at the site shall be:

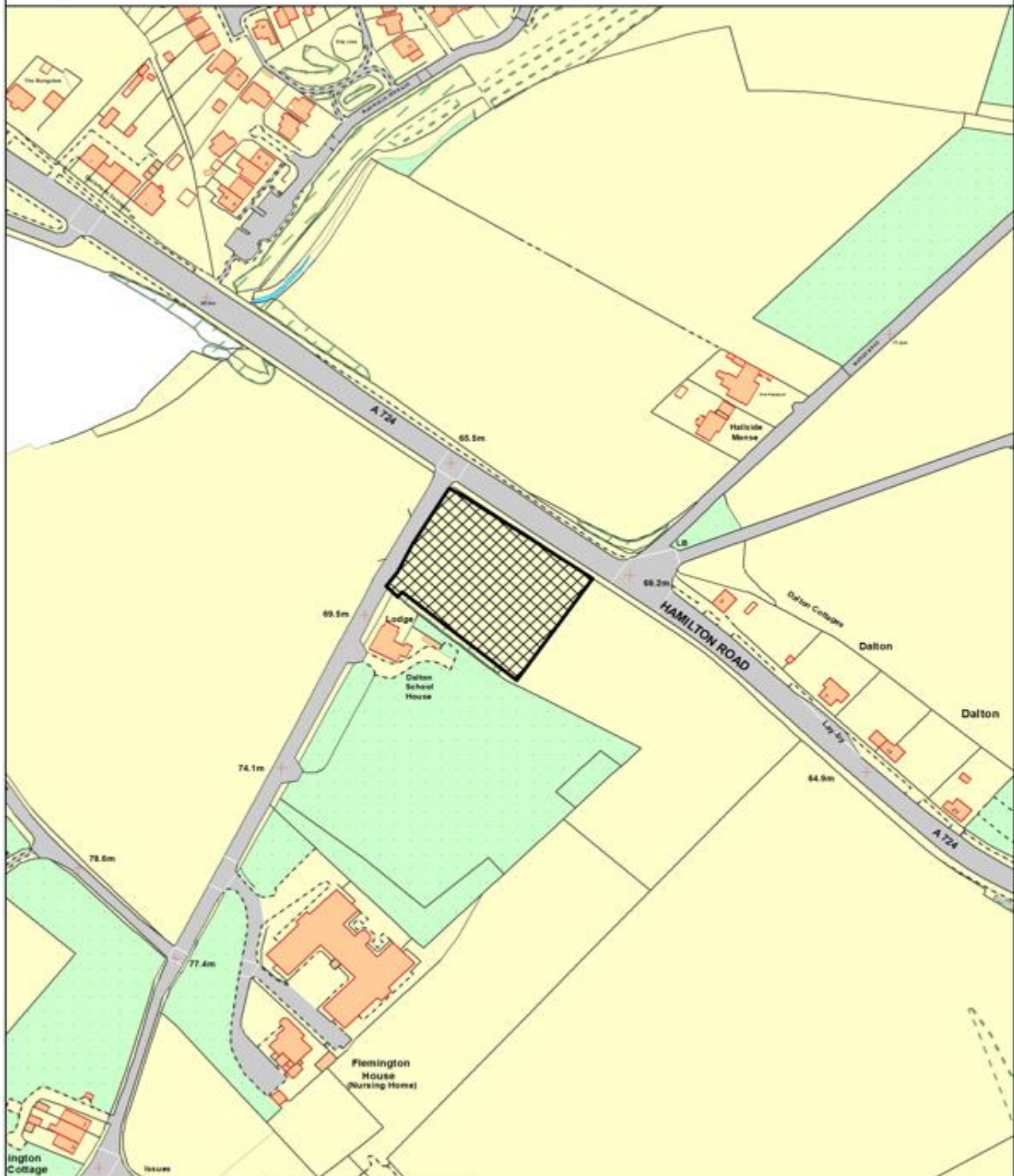
8am - 7pm Monday – Friday

8am - 1pm Saturday

No audible operations on Sunday

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

P/22/1247 Land 50m North East of Dalton School Lodge, Flemington Road, Cambuslang



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Scale:
1:2,500
Date:
25/05/2023



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

Report

9

Report to:	Planning Committee
Date of Meeting:	6 June 2023
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/22/1463
Planning proposal:	Erection of 50 no. detached dwellinghouses, associated parking and infrastructure (Approval of matters specified in condition 1 (a to r) of Planning Consent EK/09/0218)

1 Summary application information

- Application type: Approval of matters specified in conditions (MSC)
- Applicant: Lynch Homes Limited
- Location: Land 450M east southeast of Easter House
Newhouse 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: Kieran McCallion
- ◆ Council Area/Ward: 09 East Kilbride West
- ◆ Policy Reference(s): **National Planning Framework 4**
Policy 1 - Tackling the climate and nature crises
Policy 2 - Climate mitigation and adaptation
Policy 3 – Biodiversity
Policy 14 - Design, quality, and place
Policy 15 - Local living and 20-minute neighbourhoods
Policy 16 - Quality homes
Policy 21 - Play, Recreation and Sport
Policy 22 - Flood Risk and Water Management

South Lanarkshire Local Development Plan 2 (adopted 2021)

Policy 1 - Spatial Strategy

Policy 2 – Climate Change

Policy 5 - Development Management and Place
Making

Policy 11 – Housing

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

◆ Representation(s):

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

◆ Consultation(s):

Roads Development Management Team

Roads Flood Risk Management

Environmental Services

Scottish Environment Protection Agency (SEPA)

Scottish Water

SP Energy Networks

Arboricultural Services

Planning Application Report

1 Application Site

- 1.1 This planning application relates to a proposed residential development of 50 detached dwellinghouses, associated parking and infrastructure on land located within East Kilbride Community Growth Area (CGA) to the south of the town. Planning Permission in Principle for the CGA (EK/09/0218) was granted 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.”

2 Proposal(s)

- 2.1 This application seeks to discharge various conditions attached to the Planning Permission in Principle application (EK/09/0218) for the development of East Kilbride Community Growth Area. Condition 1 specifies that all relevant matters such as layout, siting, design, landscaping, drainage etc are submitted to and approved by the Planning Authority. The other elements to be discharged specify in detail what information requires to be submitted to deal with these relevant matters listed in condition 1.
- 2.2 The applicant, Lynch Homes Limited, seeks consent for the erection of 50 detached dwellinghouses, associated parking and infrastructure. The proposed development is a mix of house styles, external materials and size of properties as detailed in the submitted drawings.
- 2.3 The applicant has submitted a site investigation report, flood risk assessment and supporting statement in relation to condition 1 of EK/09/0218.

3 Background

3.1 National Planning Framework 4

- 3.1.1 The National Planning Framework 4 was approved by the Scottish Ministers on 13 February 2023 and now forms part of the Development Plan. National Planning Framework 4 (NPF4) provides Scotland’s national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments, and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places, and productive places.

- 3.1.2 In respect of NPF4 the following policies are of particular relevance in the assessment of this proposal:-

- ◆ Policy 1 - Tackling the climate and nature crises
- ◆ Policy 2 - Climate mitigation and adaptation
- ◆ Policy 3 – Biodiversity
- ◆ Policy 14 - Design, quality, and place
- ◆ Policy 15 - Local living and 20-minute neighbourhoods
- ◆ Policy 16 - Quality homes
- ◆ Policy 21 - Play, Recreation and Sport
- ◆ Policy 22 - Flood Risk and Water Management

3.2 South Lanarkshire Local Development Plan 2

- 3.2.1 The site is identified within the adopted South Lanarkshire Local Development Plan 2 (2021) (SLLDP2) as being located within a Housing Site. The following policies require to be taken into consideration:-

- ◆ Policy 1 - Spatial Strategy
- ◆ Policy 2 – Climate Change
- ◆ Policy 5 - Development Management and Place Making
- ◆ Policy 11 – Housing
- ◆ 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

3.3 **Relevant Government Advice/Policy**

3.3.1 Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the South Lanarkshire Local Development Plan 2 (SLLDP2) (adopted 9 April 2021) and National Planning Framework 4 (NPF4) (which was laid before the Scottish Parliament on 8 November 2022 and adopted by Scottish Ministers on 13 February 2023). Section 24(3) of the 1997 Act confirms that if there is an inconsistency between NPF4 policies and a Local Development Plan which was adopted before 13 February 2023, then the policies in NPF4 prevail.

3.4 **Planning Background**

3.4.1 Planning Permission in Principle (EK/09/0218) for East Kilbride Community Growth Area was approved on 26 June 2018 subject to the conclusion of a Section 75 Legal Agreement, primarily in relation to financial contributions towards infrastructure affected by the development.

4 **Consultation(s)**

4.1 **Roads and Transportation Services** – No objection subject to the imposition of planning conditions relating to visibility, dropped kerb access, driveway surfacing, gradients, drainage, cleaning system/wheel washing facility, a turning area for site staff/operatives and a site management plan.

Response: Noted. These conditions would be attached to any consent granted.

4.2 **Environmental Services** – No objection subject to the imposition of a planning condition relating to dust.

Response: Noted. This condition would be attached to any consent granted.

4.3 **Scottish Water** – No objection.

Response: Noted.

4.4 **SEPA** - No objection.

Response: Noted.

4.5 **Roads Flood Risk Management** – the appropriate drainage arrangements should be implemented in line with the approved drainage scheme for the masterplan site.

Response: Noted. This condition would be attached to any consent granted.

4.6 **Arboricultural Officer** – No comments

Response: Noted.

4.7 **SP Energy Networks** – No comments

Response: Noted.

5 Representation(s)

5.1 No statutory neighbour notification was required to be undertaken given the location of the site, however, the application was advertised in the local press. One letter of comment was received which raises the following matters:-

- ◆ General satisfaction with housing mix, however, more detail should be given in relation to footpaths and access to open space.

5.2 The above issues will be considered in the assessment below and a full copy of this representation is available for inspection on the planning portal.

6 Assessment and Conclusions

6.1 The applicant, Lynch Homes Limited, seeks consent for the erection of 50 detached dwellinghouses, associated parking and infrastructure on land forming part of the East Kilbride Community Growth Area (CGA). 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 the details of the housing layout and associated works. The determining issues in the consideration of this application are its compliance with the development plan, which consists of National Planning Framework 4 (Adopted 2023) and South Lanarkshire Local Development Plan 2 (Adopted 2021).

6.2 NPF4 Policy 1 - Tackling the Climate and Nature Crises and NPF4 Policy 2 - Climate Mitigation and Adaptation aim to ensure that new developments minimise and mitigate against climate change and the generation of greenhouse gases. The proposed residential development is located within a reasonable distance of existing health, community and retail facilities in East Kilbride, with public transport provided at Hairmyres railway station and by various bus services in the wider area. It will also be close to the proposed new educational facilities, retail, open space and bus services as the CGA is developed. The proposed dwellinghouses incorporate measures to improve the sustainability of the development and mitigate against climate change including the provision of solar photovoltaics (PV) panels on to the roofs to generate energy. It is therefore considered that the proposal is consistent with Policy 1 and Policy 2 of the NPF4.

6.3 NPF 4 Policy 3 - Biodiversity aims to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. In this regard, a landscape buffer would be provided to the west of the application site within the CGA and within the site a green Network link will be maintained through the CGA and the wider area beyond the site. Given the above, it is considered that the proposal would deliver positive effects in respect of biodiversity, in compliance with Policy 3 of NPF4.

6.4 NPF4 Policy 14 Design, Quality and Place aims to encourage, promote, and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle. It sets out six qualities of successful places. The proposal is consistent with these qualities and is therefore considered to be consistent with Policy 14 of the NPF4.

6.5 NPF4 Policy 15 Local Living and 20 Minute Neighbourhoods aims to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods. As set out above, the proposed residential development is located within a reasonable distance of existing health, community, and retail facilities in East Kilbride, with public transport provided at Hairmyres for rail and various bus services in the wider area. It will also be close to proposed new educational facilities,

retail, open space and bus services as the CGA is developed. The proposal is therefore considered to be consistent with Policy 15 of the NPF4.

- 6.6 NPF4 Policy 16 - Quality Homes aims to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities. It states that development proposals for new homes on land allocated for housing in LDPs will be supported. As set out above, the site is located within the East Kilbride Community Growth Area and is identified for housing development. The proposed development is of a high-quality design and materials and forms a part of a wider development which provides a range of housing sizes. In respect of NPF4 Policy 16 (e) a range of affordable housing units are provided throughout the CGA by way of the original planning consent. The proposal is therefore considered to be consistent with Policy 16 of the NPF4.
- 6.7 NPF4 Policy 21 - Play, Recreation and Sport aims to encourage, promote, and facilitate spaces and opportunities for play, recreation, and sport. This development is located within the wider CGA central open space which will provide access to a network of open space and play areas across the CGA for the residents of these plots. It is therefore considered that the proposed development is consistent with the aims of Policy 21 of NPF4.
- 6.8 NPF4 Policy 22 aims to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. The proposed development would have a sustainable drainage system designed in respect of East Kilbride Community Growth Area Masterplan Flood Risk Assessment prepared by Kaya Consulting Limited. In this regard, the Flood Risk Management Team advised that they have no objections to the proposed development. Taking the above into account, it is considered that the proposal is acceptable with regard to the requirements of Policy 22 of NPF4.
- 6.9 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 and by the previous planning consent EK/09/0218.
- 6.10 SLLDP2 Policy 2 - Climate Change aims to ensure that new developments minimise and mitigate against climate change and the generation of greenhouse gases. The proposed residential development is located within a reasonable distance of existing health, community and retail facilities in East Kilbride, with public transport provided at Hairmyres for rail and various bus services in the wider area. It will also be close to the proposed new educational facilities, retail, open space and bus services as the CGA is developed. The proposed dwellinghouses incorporate measures to improve the sustainability of the development and mitigate against climate change including the provision of solar PV panels on to the roofs to generate energy. It is therefore considered that the proposal is consistent with Policy 2 of the adopted local development plan.
- 6.11 Policy 5 - Development Management and Policy DM1 - New Development Design of the Local Development Plan state that all planning applications should take fully into account the local context and built form in terms of layout, scale, massing, design and external materials. It is noted that the proposal is for 50 detached dwellinghouses, associated parking and infrastructure. The proposed mix of house styles, external

materials, size of properties and development layout are acceptable. and it is considered that there is no requirement to enhance the gable on plot 1 with a window. On balance, the proposed dwellinghouses would have no significant adverse impact on residential amenity of the area, as existing or when adjacent sites are developed, and would not have any significant impact in respect of overshadowing or privacy that would justify refusal of the application. It is therefore considered that the proposal is consistent with Policy 5 and Policy DM1 of the adopted Local Development Plan.

- 6.12 The application site is located in an area designated as Green Network, where Policy 13 - Green Network and Greenspace of 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. Within the site a green network link will be maintained through the CGA and the wider 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 residents, in compliance with Policy 13 of the SLLDP2.
- 6.13 SLLDP2 Policies 16, SDCC2 and SDCC3 relate to any potential flood risk and impact on the water environment from the proposed development. The proposed development will have a sustainable drainage system designed in respect of East Kilbride Community Growth Area Masterplan Flood Risk Assessment prepared by Kaya Consulting Limited. In this regard, the Flood Risk Management Team advised that they have no objections to the proposed development. Taking the above into account, it is considered that the proposal is acceptable with regard to the requirements of Policies 16, SDCC2 and SDCC3 of the SLLDP2.
- 6.14 Compliance with the requirements of Condition 1 of Planning Consent EK/09/0218 has been set out above. In respect of clauses d (site management plan), clause g (a phasing plan), clause h (a habitat and greenspace management plan), clause j (landscaping plan), clause p (control and mitigation of dust), clause q (construction method statement) clause r (road safety audit) the applicant has requested that these are conditioned. The Council also considers it necessary to condition clause f (the design and location of all retaining walls) because through the application process the applicant's agent subsequently confirmed that the proposed site would incorporate a retaining wall. Furthermore, Roads and Transportation Services and Environmental Services offered no objections to the proposed development subject to conditions.
- 6.15 In conclusion, 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 the proposal will not result in adverse amenity, environmental or safety impacts, it is considered that the proposed development is in compliance with the provisions of the relevant policies of the National Planning Framework 4 and the adopted South Lanarkshire Local Development Plan 2. It is therefore considered appropriate for planning permission to be granted for the proposed development subject to the attached conditions.

7 Reasons for Decision

- 7.1 The proposal would have no significant adverse impact on amenity, public safety or the local environment and complies with the provisions of Policies 1, 2, 3, 14, 15, 16, 21 and 22 of the National Planning Framework 4 and Policies 1, 2, 5, 11, 13, 16, SDCC2, SDCC3 and DM1 of the adopted South Lanarkshire Local Development Plan 2 (2021).

David Booth
Executive Director (Community and Enterprise Resources)

Date: 26 May 2023

Previous references

- ◆ EK/09/0218 – Planning Committee – 26 June 2018

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Press advert dated 23.11.2022
- ▶ Consultations

Roads Development Management Team	10.05.2023
Roads Flood Risk Management	20.12.2022
Environmental Services	02.12.2022
Scottish Water	17.11.2022
SEPA Flooding	01.12.2022

Contact for further information

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

Iain Morton, Team Leader, Floor 6, Council Offices, Almada Street, Hamilton, ML3 0AA
Phone: 07551 842 788
Email: iain.morton@southlanarkshire.gov.uk

Conditions and reasons

01. The development to which this permission relates shall be begun no later than the expiration of three years beginning with the date of grant of this decision notice.

Reason: To comply with Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).

02. 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.

03. 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.

04. 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.

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

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

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

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. That the development hereby approved shall not commence until surface water drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority, under the terms of Condition 6 above.

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

08. That no dwellinghouse shall be occupied until the site is served by a sewerage scheme constructed in accordance with Scottish Water standards and as approved by the Council as Planning Authority in consultation with Scottish Water as Sewerage Authority.

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

09. Prior to development commencing on site, full engineering drawings of all retaining walls, including drainage details, shall be submitted to and approved in writing by the Council as Planning Authority. The retaining walls shall thereafter be constructed in accordance with the approved details to the satisfaction of the Council as Planning Authority.

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

10. That 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.

11. 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.

12. That prior to the commencement of development on site, a site management plan shall be submitted to and approved in writing by the Council as Planning Authority.
- Reason: In the interests of pedestrian and vehicular safety.
13. That prior to the commencement of development on site a Phasing Plan shall be submitted to and approved in writing by the Council as Planning Authority.
- Reason: To define the consent.
14. That prior to the commencement of development on site a Habitat and Greenspace Management Plan shall be submitted to and approved in writing by the Council as Planning Authority.
- Reason: To define the consent.
15. That prior to the commencement of development on site a Construction Method Statement shall be submitted to and approved in writing by the Council as Planning Authority.
- Reason: To define the consent.
16. Prior to the commencement of development on site a road safety audit shall be submitted to and approved in writing by the Council as Planning Authority.
- Reason: To define the consent.
17. That before the development hereby approved is brought into use, a dropped kerb access to the site shall be constructed in accordance with the specification and to the satisfaction of the Council as Roads and Planning Authority.
- Reason: In the interests of traffic and public safety.
18. That before the development hereby approved is completed or brought into use, a private vehicular access or driveway of at least 6 metres in length shall be provided for each dwellinghouse and the first 2 metres of this access from the heel of the footway/service strip shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.
- Reason: To prevent deleterious material being carried onto the road.
19. That before the development hereby approved is completed or brought into use, a visibility splay of 2 metres by 35 metres measured from the road channel shall be provided on both sides of each vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.
- Reason: In the interests of traffic and public safety.

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

Reason: In the interests of public safety.

21. That, before any dwellinghouse within the development hereby approved is completed or brought into use, the first two metres of the associated driveway shall be surfaced, trapped and sealed to prevent any deleterious material or water from leaving the carriageway and entering the driveway, to the satisfaction of the Council as Roads and Planning Authority.

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

22. That no dwellinghouse within the development shall have a driveway gradient exceeding 10%.

Reason: In the interest of road safety.

23. That, during the construction phase associated with the development hereby approved:-

- appropriate cleaning systems shall be put in place within the site to ensure mud and debris is not deposited on the public road.
- appropriate wheel wash facilities/road cleaning regime shall be provided.
- all vehicles shall be able to access and exit the site in forward gears, therefore a turning area shall be provided
- sufficient parking shall be provided within the site boundary to accommodate all site staff/operatives parking requirements.
- A plan showing the turning area and location and number of spaces for site staff / operatives should be submitted for approval.

Before the commencement of works on site full details and plans detailing the above requirements shall be submitted to and approved by the Council as Roads and Planning Authority. Thereafter, the approved details shall be implemented on site to the satisfaction of the Council throughout the construction phase.

Reason: In the interests of road safety.

24. That, before the development hereby approved is completed or brought into use, an appropriate system of site drainage shall be provided to the specification and satisfaction of the Council as Roads and Planning Authority to prevent surface water flowing onto the public road.

Reason: In the interests of road safety.

25. That unless otherwise agreed in writing with the Planning Authority, all construction vehicles associated with the development hereby approved shall access the site from the spine road via Eaglesham Road only.

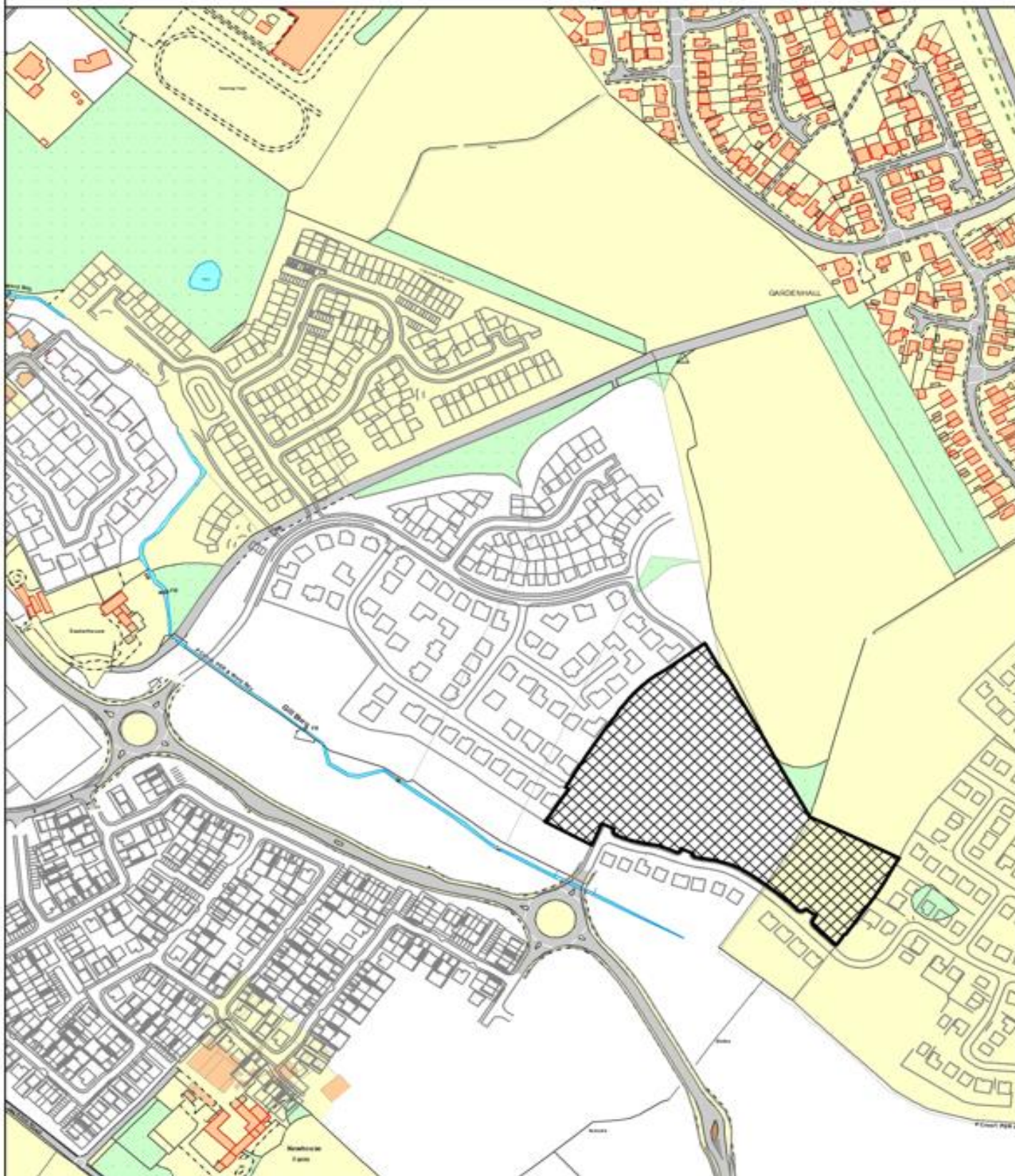
Reason: In the interests of road safety.

26. 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.

27. That, before any dwellinghouse hereby approved is completed or brought into use, the parking spaces associated with the dwellinghouse shall be put in place to the specification and satisfaction of the Council as Roads and Planning Authority in accordance with the approved plans and shall thereafter be maintained to the satisfaction of the Council.

Reason: In the interests of road safety.



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Scale:
1:4,000
Date:
25/05/2023



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

Report

10

Report to:	Planning Committee
Date of Meeting:	6 June 2023
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/22/1507
Planning proposal:	Erection of five dwellinghouses with associated works including treatment plant with soakaway area and new vehicular access for existing house

1 Summary application information

Application type:	Detailed planning application
Applicant:	MAC Consultant Services Ltd
Location:	Site of Former Fence Nursery Fence Terrace Tillietudlem Lanark

2 Recommendation(s)

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

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

2.2 Other actions/notes

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

3 Other information

- ◆ Applicant's Agent: Crawford Architectural
- ◆ Council Area/Ward: 01 Clydesdale West
- ◆ Policy Reference(s): **National Planning Framework 4 (2023)**
Policy 1 - Tackling the climate and nature crises
Policy 2 - Climate mitigation and adaptation
Policy 14 - Design, quality and place
Policy 15 - Local Living and 20 minute neighbourhoods
Policy 17 - Rural homes

South Lanarkshire Local Development Plan 2 (Adopted 2021)

Policy 2 - Climate Change

Policy 4 - Green Belt and Rural Area

Policy 5 - Development Management and
Placemaking

Policy GBRA1 - Rural Design and Development

Policy GBRA5 - Redevelopment of Previously
Developed Land Containing Buildings

◆ Representation(s):

▶	12	Objection Letters
▶	1	Support Letter
▶	0	Comment Letters

◆ Consultation(s):

The Coal Authority Planning and Local Authority Liaison

Roads Development Management Team

Environmental Services

Scottish Water

Planning Application Report

1 Application Site

- 1.1 The application lies within the site of a former nursery, outwith the settlement boundary of Tillietudlem. To the south lies the row of houses which forms the settlement of Tillietudlem. The site is approximately 1.2 miles west of Crossford. The site is surrounded primarily by open land to the north and west, with some woodland to the east.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning permission for the erection of five dwellinghouses with associated works including access, treatment plant with soakaway area and a new vehicular access for an existing house.

3 Development Plan

3.1 National Planning Framework 4 (2023)

- 3.1.1 Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the South Lanarkshire Local Development Plan 2 (SLLDP2) (adopted 9 April 2021) and National Planning Framework 4 (NPF4) (adopted by Scottish Ministers on 13 February 2023). Section 24(3) of the 1997 Act confirms that if there is an inconsistency between NPF4 policies and a Local Development Plan which was adopted before 13 February 2023, then the policies in NPF4 prevail.

- 3.1.2 The National Planning Framework 4 (NPF4) was approved by Scottish Ministers on 13 February 2023 and now forms part of the Development Plan. The following NPF4 policies are of particular relevance in the assessment of this proposal:-

Policy 1 Tackling the climate and nature crises

Policy 2 Climate mitigation and adaptation

Policy 14 Design, quality and place

Policy 15 Local Living and 20 minute neighbourhoods

Policy 17 Rural Homes

- 3.1.3 It is considered that the proposal does not accord with the general provisions or relevant policies of NPF4 and the detailed assessment is contained in Section 6 of this report.

3.2 South Lanarkshire Local Development Plan 2 (2021)

- 3.2.1 The application site is within the rural area on the edge of Tillietudlum in the adopted South Lanarkshire Local Development Plan 2 (SLLDP2). The relevant policies in terms of the assessment of the application are:-

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

- 3.2.2 It is considered that the proposal does not accord with the relevant policies of SLLDP2 and the detailed assessment is contained in Section 6 of this report.

3.3 **Planning Background**

- 3.3.1 Planning permission (Ref CL/04/0143) for the erection of a dwellinghouse was approved in 2004. Planning permission (Ref CL/08/0376) was subsequently approved for the formation of two house plots in 2008.

4 **Consultation(s)**

- 4.1 **Scottish Water** - There is sufficient capacity at the Daer Water Treatment Works. There is no public sewer within the vicinity, therefore the applicant should investigate options for a private treatment system. For reasons of sustainability and to protect their customers from potential future sewer flooding, Scottish Water would not accept any surface water connections into their combined sewer system.

Response: Noted. In this instance, a private sewage treatment plan is proposed since there is no public sewer in the vicinity to connect into.

- 4.2 **Coal Authority** – The site partly falls within a Development High Risk Area. Consequently a Coal Risk Assessment was requested.

Response: A Coal Risk Assessment (dated 24 February 2023) was submitted and recommends that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development, in order to establish the exact situation regarding coal mining legacy issues on the site. Accordingly, the Coal Authority recommends the imposition of appropriate planning conditions.

- 4.3 **Roads Development Management Team** – Advise that the application should be deferred until further information and drawings are submitted in relation to access, parking, drainage and sightlines.

Response: Noted.

- 4.4 **Environmental Services** – No objection to the proposal.

Response: Noted.

5 **Representation(s)**

- 5.1 Statutory neighbour notification procedures were undertaken and 13 representations were received (12 objections, 1 support, 0 comment). The issues raised are summarised below:-

- ◆ Flood risk
- ◆ Noise
- ◆ Location of sewage soakaway
- ◆ Supports the re-use of derelict land
- ◆ Increase in traffic
- ◆ Proposal is outwith settlement boundary
- ◆ Drainage issues
- ◆ Overlooking

- 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 National Planning Framework 4 (NPF4) and adopted South Lanarkshire Local Development Plan 2 (SLLDP2).

- 6.2 NPF4 Policy 1 requires that when considering all development proposals, significant weight will be given to the global climate and nature crises. NPF4 Policy 2 Climate Change and Mitigation expands on this, requiring all new developments to be sited and designed (1) to minimise lifecycle greenhouse gas emissions as far as possible and (2) to adapt to the current and future risks from climate change. The Chief Planner letter (4 February 2023) confirms that at this stage, quantitative assessments are not expected for all applications. In the absence of a methodology for measuring the emissions which would result from the emissions of the proposed buildings, it is considered appropriate at this time to instead consider the general sustainability of the proposal in land-use planning terms and use that as an indicator in whether or not it is likely to minimise emissions and adapt to current and future impacts of climate change.
- 6.3 Policy 14 – Design, Quality and Place of NPF4 advises that proposals will be supported where they are consistent with the 6 qualities of successful places. It confirms that proposals which are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the 6 qualities of place, will not be supported. The proposed formation of five housing plots in the rural area, contrary to policies designed to preserve that rural area from housing in inappropriate locations and promote compact urban growth, is not considered to be characteristic of a liveable place and, as such, is contrary to Policy 14 of NPF4.
- 6.4 NPF4 Policy 15 – Local Living and 20 minute neighbourhoods seeks to create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by using sustainable transport options. The application site is approximately 1.2m outside of the Crossford settlement boundary and, as such, it would have access to a significant number of the criteria listed in Policy 15. However, it should also be noted that encouraging new homes just outwith approved settlement boundaries, within the designated rural area, leads to exactly the sort of sprawled out, unconnected residential areas lacking facilities and services that this policy is designed to avoid. Whilst residents might indeed have access to many of the facilities/benefits of local living identified in the policy, the development itself would run directly contrary to the policy intent, namely to create connected and compact settlements and mixed-use neighbourhoods. As such, the proposal is not considered compatible with the intent of Policy 15 of NPF4.
- 6.5 NPF4 Policy 17 Rural homes aims to encourage, promote and facilitate the delivery of high quality, affordable homes in the right location. The policy advises that NPF4 does not support new housing in the accessible rural area unless: the site is allocated for housing in the Local Plan; involves conversion of existing buildings; supports a viable rural business; is for a retired farmer; or is for a one to one replacement of an existing house. In the case of this proposal, none of said criteria would apply and, therefore, it does not accord with Policy 17.
- 6.6 With regards to the adopted South Lanarkshire Local Development Plan 2 Policy 2 - Climate Change, it 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.

- 6.7 The site is not at risk of flooding. Conditions could be attached requiring the submission and approval of details for low carbon technology, for a tree planting scheme and the installation of electric vehicle charging points. In consideration, the proposals would not undermine the objectives of Policy 2 of the South Lanarkshire Local Development Plan 2 (2021).
- 6.8 Policy 4 'Green Belt and Rural Area' of SLLDP2 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 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 proposed dwellings do not need to be in the countryside and it is not sustainable to incrementally add additional housing to this rural location. As such, the proposal is considered to be contrary to Policy 4 of the South Lanarkshire Local Development Plan 2.
- 6.9 Given that the principle of development is not considered to be acceptable in this location, the design of the proposed dwelling in terms of Policies 5 'Development Management and Place Making' and GBRA1 'Rural Design and Development' of SLLDP2 is not considered to be a determining factor in the assessment of this application.
- 6.10 The proposal is located out with the settlement boundary and therefore does not relate satisfactorily to adjacent and surrounding development and would introduce a suburban style of development to a small hamlet of thirteen houses. The proposal would also detrimentally impact on the character and amenity, traffic generation and potential overlooking in the surrounding area. In consideration, the proposal does not comply with Policies 5 and GBRA1 of the South Lanarkshire Local Development Plan 2 (2021).
- 6.11 Policy GBRA5 of SLLDP2 relates to 'Redevelopment of Previously Developed Land Containing Buildings'. This policy is relevant to proposals where there is no realistic prospect of the site being returned to agricultural land or woodland, or the buildings are being converted to form an alternative use appropriate to the countryside. In exceptional circumstances modern buildings may be acceptable.
- 6.12 The five proposed house plots are located to the north of the existing building group comprising the settlement of Tillietudlum. The proposal detrimentally impacts upon the cohesiveness of the settlement whilst pushing development towards the landscape character area to the north. The applicant has not submitted a design statement supporting the proposals, or the extension of the built development area. There is also no supporting statement concerning the location of the sewage soakaway, which has been raised as a concern by objectors, as it is located to the lower part of the site, close to existing houses. In consideration, the proposal for five houses is not appropriate at this location and is therefore considered to be contrary to Policy GBRA5 of the South Lanarkshire Local Development Plan 2.
- 6.13 In summary, the proposals are directly contrary to policies within National Planning Framework 4 (2023) and the South Lanarkshire Local Development Plan 2 (2021), particularly with regards to new homes in the rural area and the need to only encourage housing in sustainable locations. Section 24(3) of the 1997 Act confirms that if there is an inconsistency between NPF4 policies and a Local Development Plan which was adopted before 13 February 2023, then the policies in NPF4 prevail. There

are no material considerations which would outweigh this variance with the development plan. In view of this, it is recommended that the application is refused planning permission.

7 Reasons for Decision

- 7.1 The proposal is contrary to Policies 14, 15 and 17 of National Planning Framework 4 (adopted 2023) and Policies 4, 5, GBRA1 and GBRA5 of the South Lanarkshire Local Development Plan 2 (adopted 2021) and there are no material considerations which would support this application.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 25 May 2023

Previous references

- ◆ CL/04/0143
- ◆ CL/08/0376 - Clydesdale Area Committee - 28 April 2009

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 23 November 2022

- ▶ Consultations
 - Roads Development Management Team 15.12.2022
 - Environmental Services 01.12.2022
 - Scottish Water 24.11.2022
 - The Coal Authority Planning and Local Authority Liaison 08.03.2023

Contact for further information

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

David Russell, Team Leader, Floor 6, Council Offices, Almada Street, Hamilton,
ML3 0AA

Phone: 07551 845 757

Email: David.Russell@southlanarkshire.gov.uk

Reasons for refusal

01. The proposal would be contrary to Policy 17 - Rural homes of National Planning Framework 4 as new homes in rural areas are not supported in unsuitable locations. The proposed location for the new dwellings does not meet any of the criteria to be considered suitable and as such cannot be supported.
02. The proposal would be contrary to Policy 14 - Design, Quality and Place of National Planning Framework 4 as it is not consistent with the 6 qualities of successful places. Specifically, it fails to achieve the characteristics of a sustainable place.
03. The proposal would be contrary to Policy 15 - Local Living and 20 minute neighbourhoods of National Planning Framework 4 as it fails to create connected and compact settlements and mixed-use neighbourhoods.
04. The proposal would be contrary to Policy 4 - Green Belt and the Rural Area, GBRA1 and Policy GBRA 5 of South Lanarkshire Local Development Plan 2 as the dwellings constitute sporadic development not located in a settlement and is not appropriate to the landscape setting, services or infrastructure. As such the proposal cannot be supported.



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Scale:
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18/05/2023



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

Report

11

Report to:	Planning Committee
Date of Meeting:	6 June 2023
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/22/1768
Planning proposal:	Erection of rear extension with garage on ground floor with self-contained extended family accommodation unit above

1 Summary application information

Application type:	Householder
Applicant:	Mr S Carroll
Location:	Logie Green 2 Glenview Larkhall ML9 1DA

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: EmAjine Architecture Ltd
- ◆ Council Area/Ward: 20 Larkhall
- ◆ Policy Reference(s): **National Planning Framework 4**
Policy 1 Tackling the climate and nature crises
Policy 2 Climate mitigation and adaptation
Policy 16 Quality homes

South Lanarkshire Local Development Plan 2
Policy 2 Climate Change
Policy 3 General Urban Areas and Settlements
Policy 5 Development Management and Placemaking
Policy DM2 House Extensions and Alterations

◆ **Representation(s):**

▶ 13
▶ 0
▶ 0

Objection Letters
Support Letters
Comment Letters

◆ **Consultation(s):**

None

Planning Application Report

1 Application Site

- 1.1 The application site is within the settlement boundary of Larkhall and within an established residential area. The site is surrounded on three sides with a mixture of one and two storey residential dwellinghouses. There is a public park to the west of the site, on the opposite side of the road.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning permission for the erection of a rear extension with a garage on the ground floor and a self-contained extended family accommodation unit above. The proposed extension projects approximately 7.3m from the rear elevation of the dwellinghouse and is approximately 6.7m wide.
- 2.2 Initial drawings showed a two-storey extension which had a similar footprint to the existing house and was extremely close to the neighbouring boundary. Due to concerns regarding the mass and scale of the originally proposed extension, particularly in relation to overshadowing, revisions were sought. The agent was advised to reduce the size of the extension and move it further from the neighbouring boundary. Revised drawings were submitted which repositioned the extension 2.0m from the boundary and reduced the width and length of the extension.

3 Development Plan

3.1 National Planning Framework 4

- 3.1.1 The National Planning Framework 4 (NPF4) was approved by Scottish Ministers on 13 February 2023 and now forms part of the Development Plan. The following NPF4 policies are of particular relevance in the assessment of this proposal:-

Policy 1 – Tackling the climate and nature crises
Policy 2 – Climate mitigation and adaptation
Policy 16 - Quality homes

- 3.1.2 It is considered that the proposal accords with the general provisions and relevant policies of NPF4 and the detailed assessment is contained in Section 6 of this report.

3.2 South Lanarkshire Local Development Plan 2 (2021)

- 3.2.1 The application site is within the urban area of Larkhall in the adopted South Lanarkshire Local Development Plan 2 (SLLDP2). The relevant policies in terms of the assessment of the application are:-

Policy 2 – Climate Change
Policy 3 – General Urban Areas
Policy 5 – Development Management and Placemaking
Policy DM2 – House Extensions and Alterations
Policy DM5 - Extended Family Accommodation

- 3.2.2 It is considered that the proposal accords with the relevant policies of SLLDP2 and the detailed assessment is contained in Section 6 of this report.

3.3 Planning Background

- 3.3.1 There is no relevant planning history for this site.

4 Consultation(s)

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

5 Representation(s)

- 5.1 Statutory neighbour notification procedures were undertaken and 13 objections were received. The issues raised are summarised below:-

Objections and general comments include:-

- ◆ Overshadowing of neighbouring properties
- ◆ Potential operation of a business from the garage
- ◆ Design and scale of the proposal
- ◆ Overdevelopment of the plot
- ◆ Proximity of the extension to the boundary
- ◆ Increase in traffic as a result of the development
- ◆ Loss of daylight and sunlight at neighbouring properties

- 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 development plan, which consists of NPF4 and SLLDP2.

- 6.2 NPF4 Policy 1 requires that when considering all development proposals significant weight will be given to the global climate and nature crises. NPF4 Policy 2 Climate Change and Mitigation expands on this, requiring all new developments to be sited and designed (1) to minimise lifecycle greenhouse gas emissions as far as possible and (2) to adapt to the current and future risks from climate change. Due to its scale and nature, the proposal does not require a qualitative assessment under NPF4 Policy 2. The SLLDP2 Policy 2 - Climate Change sets out criteria which new development should address to minimise and mitigate against climate change, which is in line with the aims and intentions of NPF4 Policy 2. The scale of the proposal means that it is more appropriate to assess the proposals climate change impact and mitigation against SLLDP2 Policy 2.

- 6.3 The proposal is for a two-storey rear extension. The Council as Planning Authority recognises its role in combating the climate crises but given the scale and nature of the proposed development, it is not considered that the impact will be unacceptable. The extension will be built to the applicable insulation requirements in terms of the Building Standard requirements and the site is located sustainably within a recognised settlement. The proposal accords with Policies 1 and 2 of NPF4 and Policy 2 of the SLLDP2.

- 6.4 Policy 16(g) of NPF4 advises that householder development proposals will be supported where they:-

- i) Do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
- ii) Do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

- 6.5 The application site contains a large rear garden and it is noted that the main purpose of the extension is to provide a self-contained, extended family accommodation. In terms of size, design and material, the proposed extension would not have an adverse impact on the quality of the home. The proposed extension is located at the rear and sufficient garden space and parking facilities remain to serve the dwellinghouse, demonstrating the proposed extension is not detrimental to the existing house.

- 6.6 In terms of detrimental impact to neighbouring properties, concerns have been raised regarding the mass and the scale of the proposed extension and its impact on the neighbouring properties and the wider residential area.
- 6.7 The existing dwellinghouse is semi-detached and therefore the impact on the neighbouring properties is of importance. The proposed extension is approximately 2.0m from the neighbouring boundary (1 Glenview) and no windows face the neighbouring property. Due to the northerly orientation of the proposed extension, there would be no unacceptable overshadowing of the neighbouring property. Reference was also made to the possible destabilisation of the boundary wall if the extension was to be constructed. The development is approximately 2.0m from the boundary wall and it is unlikely that the erection of the extension would impact on the boundary wall.
- 6.8 Several representations also state that the extension would have an adverse impact on the wider residential area. The proposal would be located at the rear of the property and would not be visible from the public road to the front of the property. In addition, it would have a hipped roof and the ridge of the proposed extension would sit at a lower level than the original dwellinghouse. The windows on the upper floor would all be velux windows located on the roof, thus negating any overlooking of neighbouring properties. Additional concerns were raised concerning the potential for a business to operate from the proposed garage. The applicant has advised that he has an interest in vintage cars as a hobby and the proposed garage would facilitate this pursuit.
- 6.9 Policy 3 and Policy 5 of the SLLDP2 state that when assessing developments, the Council will ensure there are no significant adverse impacts on the adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity and proposals must relate satisfactorily to the adjacent and surrounding developments. Policy DM2 provides specific guidance on house alterations and extensions.
- 6.10 These policies seek to ensure that extensions are not overly dominant, relate to the existing building and retain a suitable area of garden ground. There should also be no significant loss of sunlight to neighbouring properties and no unacceptable overlooking. The proposed two-storey rear extension is set at the rear of the existing dwellinghouse, within a substantial garden. There would be no unacceptable overlooking or overshadowing of neighbouring properties whilst a sufficient area of garden ground would be retained. It is considered that the extension is of an appropriate scale and design and that the site is capable of accommodating the proposal without having a detrimental impact on the amenity of the adjacent houses. In addition, a condition would ensure that appropriate finishing materials are used for the development. Therefore, the proposal accords with Policy 16(g) of NPF4 and Policy 3, 5 and DM2 of the SLLDP2.
- 6.11 Policy DM5 of the SLLPDP2 refers to extended family accommodation. The applicant has submitted a personal statement justifying the form and scale of the proposed extended accommodation. Sufficient useable rear garden and parking remains within the curtilage of the dwellinghouse. The extended accommodation would not have a significant adverse impact on the neighbouring properties and the proposal accords with Policy DM5 of the SLLDP2.

6.12 It is considered that this proposal would have no significant adverse impact upon neighbouring properties or the amenity of the wider area in terms of overlooking and overshadowing. The proposal would not have an adverse impact on the visual amenity of the residential area and complies with the relevant development plan policies and guidance. The granting of planning consent is therefore considered justified.

7 Reasons for Decision

7.1 The proposed two storey rear extension will not have a significant adverse impact on the neighbouring properties and on the visual amenity of the wider residential area. The proposal complies with Policies 1, 2 and 16 of the adopted National Planning Framework 4 (2023), and Policies 2, 3, 5 and DM2 of the adopted South Lanarkshire Local Development Plan (2021).

David Booth
Executive Director (Community and Enterprise Resources)

Date: 25 May 2023

Previous references

♦ None

List of background papers

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

Contact for further information

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

David Russell, Team Leader, Floor 6, Council Offices, Almada Street, Hamilton,
ML3 0AA

Phone: 07551 845 757

Email: David.Russell@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/22/1768

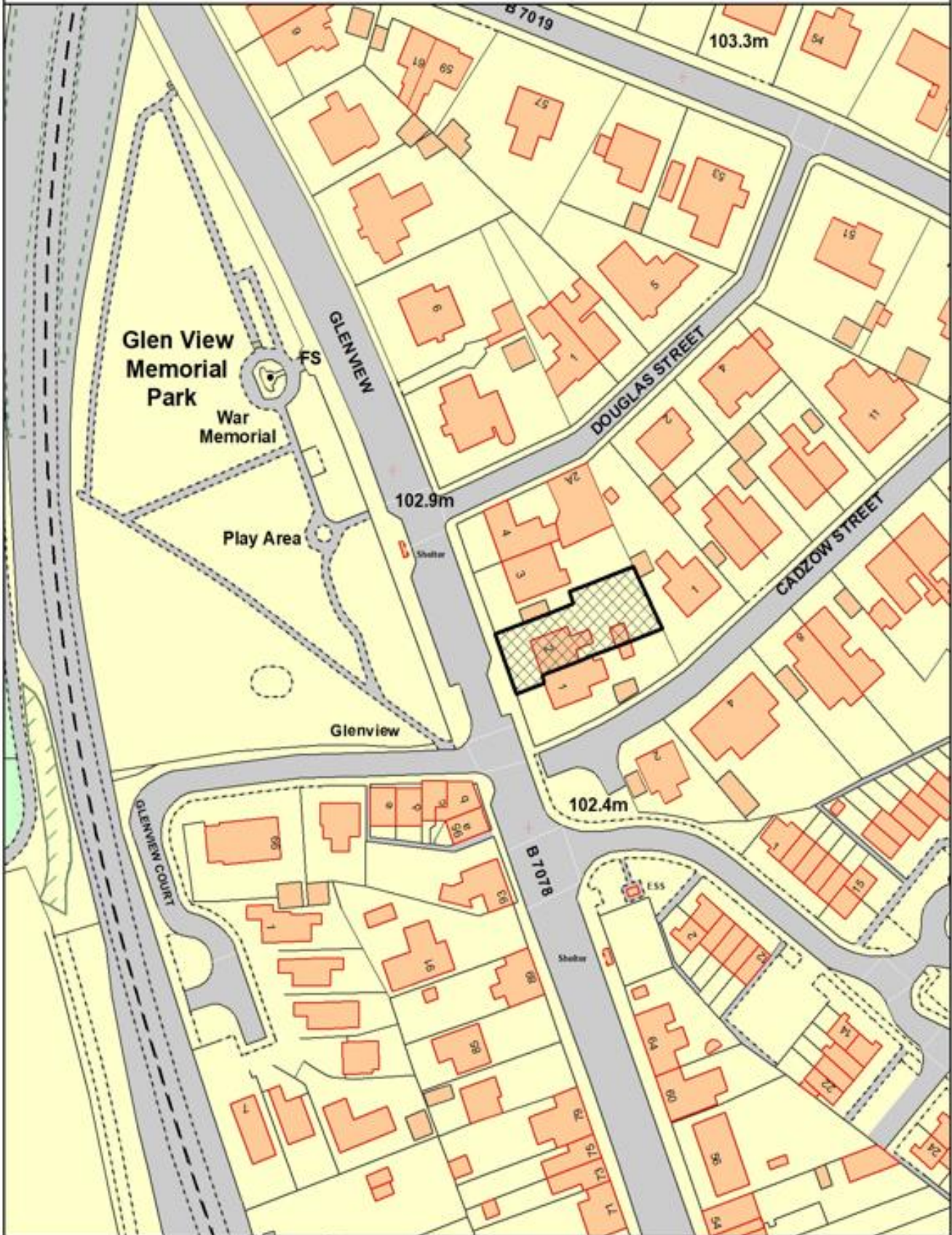
Conditions and reasons

01. The development to which this permission relates shall be begun no later than the expiration of three years beginning with the date of grant of this decision notice.

Reason: To comply with Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).

02. That the extended family accommodation hereby approved shall be used solely as additional family accommodation ancillary to the main dwellinghouse and shall not be occupied, let or sold as a separate dwelling unit.

Reason: The residential unit cannot provide an acceptable independent dwelling, without creating a significant detrimental impact to residential amenity.



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16/05/2023



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

Report

12

Report to:	Planning Committee
Date of Meeting:	6 June 2023
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/23/0241
Planning proposal:	Planning permission in principle for residential development (Section 42 application to amend planning condition 3 relating to planting details of planning consent P/19/1546)

1 Summary application information

Application type:	Further application
Applicant:	777 MOT Limited
Location:	Dalquhandy Opencast Coal Site Middlemuir Road Coalburn Lanark ML11 0NN

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: Munro Architects
- ◆ Council Area/Ward: 04 Clydesdale South
- ◆ Policy Reference(s): **National Planning Framework 4**
Policy 1 - Tackling the Climate and Nature Crises
Policy 2 - Climate Mitigation and Adaptation
Policy 3 – Biodiversity
Policy 14 - Design, quality, and place
Policy 15 - Local living and 20-minute neighbourhoods
Policy 16 – Quality Homes

Adopted South Lanarkshire Local Development Plan 2

Policy 1 – Spatial Strategy

Policy 2 – Climate Change

Policy 3 - General Urban Areas

Policy 5 - Development Management and Placemaking

Policy 11 – Housing

Policy 16 – Water Environment and Flooding

Policy DM15 – Water Supply

Policy DM16 – Foul Drainage/Sewerage Provision

Policy SDCC2 – Flood Risk

Policy SDCC3 – Sustainable Drainage Systems

◆ Representation(s):

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

◆ Consultation(s):

Roads Development Management Team

Environmental Services

The Coal Authority Planning and Local Authority Liaison

Roads Flood Risk Management

SEPA West Region

Planning Application Report

1 Application Site

- 1.1 The application site, which extends to approximately 7 hectares in area, is situated on the southwestern edge of Coalburn, and is accessed from the main road through Coalburn via Middlemuir Road. The site was formerly occupied by the site offices for the former Dalquhandy opencast coal site which has now been demolished. The site is currently vacant and comprises large tracts of hard standing areas and is overgrown with grass and scrub. Topographically, the site rises relatively steeply in a north/south direction.
- 1.2 The site is bounded to the south and east by restored opencast workings (woodland, heathland and rough grazing), to the west by Middlemuir Road, and beyond by settling ponds, a burn and reinstated open cast coal works, and to the north by vacant industrial land.

2 Proposal(s)

- 2.1 The application is made under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) and is an application for planning permission for the development of land but without compliance with a condition attached to a previous planning permission.
- 2.2 In this instance, the applicant wishes to vary condition 3 relating to planting details of planning permission reference P/19/1546 which was granted Planning Permission in Principle (PPP) for a residential development in March 2020 following on from a series of applications to renew the consent and vary conditions as outlined further in section 3.4. To date there has been no commencement of development on site.
- 2.3 Condition 3 of planning permission P/19/1546 states:-
- That in relation to condition 1(e), the proposed structural planting and landscaping belt shall measure not less than 15 metres in extent. The approved scheme of structural landscaping to form a tree and planting belt shall be carried out during the first planting season following implementation of the development and maintained thereafter for the lifetime of the development, unless variation to this condition is approved in writing by the Planning Authority.
- 2.4 The applicant has requested that condition 3 be amended to read:-
- That in relation to condition 1(e), the proposed structural planting and landscaping belt shall measure not less than 20 metres in extent. The approved scheme of structural landscaping to form a tree and planting belt shall be carried out during the first planting season following implementation of the development and maintained thereafter for the lifetime of the development, unless variation to this condition is approved in writing by the Planning Authority.
- 2.5 In essence, the applicant requests that the reference to structural planting and landscaping depth is increased from 15 to 20 metres and considers that this would be in accordance with the aims and spirit of Policies 1, 2 and 3 of the National Planning Framework 4 (NPF4).
- 2.6 If successful, the effect of a Section 42 application to modify a planning condition is to grant a further planning permission for the whole development again but with the amended condition replacing what was previously issued, or with conditions removed if required. All other conditions, if relevant, are also required to be attached to any

new planning permission. If the proposed changes to the condition are deemed unacceptable, then Section 42 of the Act requires the application to be refused. Any refusal of an application under Section 42 of the Act does not have any effect on the original planning permission.

3 Background

3.1 National Planning Framework 4

3.1.1 The National Planning Framework 4 was approved by the Scottish Ministers on 13 February 2023 and now forms part of the Development Plan. National Planning Framework 4 (NPF4) provides Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places and productive places.

3.1.2 In respect of NPF4 the following policies are of particular relevance in the assessment of this proposal:-

- ◆ Policy 1 - Tackling the Climate and Nature Crises
- ◆ Policy 2 - Climate Mitigation and Adaptation
- ◆ Policy 3 – Biodiversity
- ◆ Policy 14 - Design, quality, and place
- ◆ Policy 15 - Local living and 20-minute neighbourhoods
- ◆ Policy 16 – Quality Homes

3.2 South Lanarkshire Local Development Plan 2

3.2.1 The site is identified within the adopted South Lanarkshire Local Development Plan 2 (2021) (SLLDP2) as being located within a housing site. The following policies require to be taken into consideration:-

- ◆ Policy 1 – Spatial Strategy
- ◆ Policy 2 – Climate Change
- ◆ Policy 3 - General Urban Areas
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 11 – Housing
- ◆ Policy 16 – Water Environment and Flooding
- ◆ Policy DM15 – Water Supply
- ◆ Policy DM16 – Foul Drainage/Sewerage Provision
- ◆ Policy SDCC2 – Flood Risk
- ◆ Policy SDCC3 – Sustainable Drainage Systems

3.3 Relevant Government Advice/Policy

3.3.1 Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the South Lanarkshire Local Development Plan 2 (SLLDP2) (adopted 9 April 2021) and National Planning Framework 4 (NPF4) (which was laid before the Scottish Parliament on 8 November 2022 and adopted by Scottish Ministers on 13 February 2023). Section 24(3) of the 1997 Act confirms that if there is an inconsistency between NPF4 policies and a Local Development Plan which was adopted before 13 February 2023, then the policies in NPF4 prevail.

3.4 Planning Background

- 3.4.1 Outline Planning Permission CL/08/0313 was granted in September 2008 for residential development on the site. A Section 42 application (CL/13/0334) was granted in November 2013 to extend the time period for the commencement of development by a further 3 years. A further Section 42 was submitted (CL/16/0356) and approved in November 2016 to extend the period of commencement by a further 3 years. Another Section 42 was submitted (P/19/1546) and approved in March 2020 to amend planting details and devise a scheme for ongoing maintenance of boundary planting.
- 3.4.2 The proposals fall within the definition of a 'Major' development, given its scale and nature and normally statutory Pre-Application Consultation is required to be carried out before the application is submitted. The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 state that applications made under Section 42 of the Town and Country Planning (Scotland) Act 1997 do not require this to be carried out.

4 Consultation(s)

- 4.1 **Roads and Transportation Services (Traffic and Transportation)** – no objection subject to a part replication of a roads condition that was attached to the original permission and previous Section 42 applications. In addition, comments have been provided based on indicative supporting information/drawings in relation to requirements which would be applicable at the matters specified by condition (MSC) stage. On this basis it would not be necessary to impose them as planning conditions for this Section 42 application, however, the applicant's agent has been advised of the requirements.

Response: Noted. The imposition of a planning condition will achieve this.

- 4.2 **Environmental Services** – no objection subject to the imposition of planning conditions relating to contaminated land investigation/remediation, coal workings investigation/remediation and noise.

Response: Noted. The imposition of planning conditions will achieve this.

- 4.3 **The Coal Authority** – No objection to the current application subject to the re-imposition of Condition 13 of P/19/1546 on any new permission issued.

Response: Noted. An appropriate planning condition forms part of the recommended conditions.

- 4.4 **SEPA** - no comments to make.

Response: Noted.

- 4.5 **Roads and Transportation Services (Flood Prevention)** - no objection subject to replication of previous drainage conditions. Additionally, it is commented that the proposal would require a flood risk assessment and sustainable drainage design in accordance with current guidance. Current climate change and rainfall allowances should be used and both documents will require to be accompanied by the necessary appendices within the Developer Guidance. The applicant's agent has been advised of this.

Response: Noted. The imposition of planning conditions will achieve this. In addition, the applicant's agent has been informed of the relevant requirements.

5 Representation(s)

- 5.1 Neighbour notification was carried out on 29 March 2023. The proposal was also published as an application requiring advertisement for the non-notification of neighbours in the Lanark Gazette on 23 April 2023.
- 5.2 No representations have been made following this publicity.

6 Assessment and Conclusions

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

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

This type of application, therefore, does not revisit the principle of development on the site but only considers the appropriateness of the conditions attached to the previous consent and whether it is acceptable to amend or delete as requested. Whilst, in essence, a Section 42 is an application to vary condition(s) on an existing permission, the process requires a new, standalone planning permission to be issued for the original development but with a new suite of conditions, including all those still thought to be relevant as well as the varied condition(s). Should the proposed amendment to the condition(s) not be acceptable, a Section 42 application is to be refused but without affecting the status of the original permission.

- 6.2 In assessing whether any condition is still relevant there would be the requirement to consider certain aspects of the development. In this instance, the applicant has requested that condition 3 is amended. However, it is noted that the nature of the legislation requires all conditions to be revisited as they may be linked or connected to these specific conditions. The main matters for consideration are, therefore, whether the proposed amendment to the condition proposed would undermine the reasons for the original conditions or the Development Plan position; and if it is considered this Section 42 application does undermine either of these, whether there are material considerations which would outweigh this to allow permission to be granted.
- 6.3 In terms of National Planning Policy and Guidance, National Planning Framework 4 (NPF4) sets out the long-term vision for the development of Scotland through the National Spatial Strategy. One of the aims of NPF4 is to rebalance development by targeting development to create opportunities for communities and investment in areas of past decline and manage development sustainably in areas of high demand. The site is located in an area of former mineral extraction, including opencast coal operations and is now an allocated housing site that benefits from planning permission in principle, and as such aligns with the overarching policy aims.
- 6.4 NFP4 Policy 1 Tackling the Climate and Nature Crises and NPF4 Policy 2 Climate Mitigation and Adaptation aim to ensure that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. In addition, Policy NPF4 Policy 3 Biodiversity aims to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. In this regard, the proposals relate to an allocated housing site that benefits from planning permission. The proposals have been deemed to not have a negative impact upon the water environment, air quality or biodiversity. The proposals involve the reuse of vacant land which would include soil remediation. With regard to the specifics of the planting scheme, the proposed 20m scheme would contribute to biodiversity and carbon capture, more so than the previous condition required. It is,

therefore, considered that the proposed development accords with NFP4 Policy 1 Tackling the Climate and Nature Crises, NPF4 Policy 2 Climate Mitigation and Adaptation and NPF4 Policy 3 Biodiversity in this instance.

- 6.5 Policies 14 and 16 of NPF4 relate to liveable places. Policy 14 sets out that all development should be designed to improve the quality of an area and be consistent with the six qualities of a successful place: healthy, pleasant, connected, distinctive, sustainable, and adaptable. Policy 16 intends to provide quality homes and identifies that housing proposals will be supported where they do not have a detrimental impact on the character of the house or the surrounding area or a detrimental effect on neighbouring amenity. Detailed design and placemaking will be assessed under a future Matters Specified by Condition (MSC) application as plans provided at this stage are indicative only. Nevertheless, the increased 20m planting required by the amended condition 3 would help screen the development and integrate the site into the settlement.
- 6.6 NPF4 Policy 15 Local Living and 20 Minute Neighbourhoods aims to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options. When assessing development proposals consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to a range of facilities and services. The application site is an allocated housing site and through the future MSC stage, it can be ensured that the detailed development contributes to the quality of local living by virtue of the site being located within the Coalburn Settlement. The proposal is therefore considered to generally comply with the spirit of Policy 15 of the NPF4.
- 6.7 In terms of the adopted South Lanarkshire Local Development Plan 2, Policy 1 of the SLLDP sets out the spatial strategy for the plan area which states the Plan encourages sustainable economic growth and regeneration by, among other things, supporting regeneration activities and delivering development proposals in the Plan. In this instance, the application site is allocated for housing within the SLLDP2. It is, therefore, considered that a new permission for a residential development would be in line with the Spatial Strategy for the site and accord with Policy 11 on new housing. It would also accord with Policy 3 which in principle is supportive of residential developments within the general urban area.
- 6.8 Policy 2: Climate Change, seeks to minimise and mitigate against the effects of climate change by a number of criteria. As outlined at paragraph 6.4, the proposal relates to an allocated housing site that benefits from planning permission and has been deemed to not have a negative impact upon the water environment, air quality or biodiversity. With regard to the specifics of the planting scheme, the proposed 20m scheme would contribute to biodiversity and carbon capture. It is, therefore, considered that the proposals meet the relevant criteria of the Development Plan in this instance.
- 6.9 Policy 5 - Development Management and Placemaking and Policy DM1 - New Development Design states that development proposals should take account of and be integrated within the local context and built form. New development should also have no significant adverse impacts on the local community. The current application is for Planning Permission in Principle and, therefore, the future MSC stage will appropriately address this. In addition, the proposed planting would help screen the development and integrate the site into the settlement and, therefore, it is considered that the proposals still accord with the criteria of the Development Plan in this instance.

- 6.10 SLLDP2 Policies 16, DM15, DM16, SDCC2 and SDCC3 relate to any potential flood risk and impact on the water environment from the proposed development. The application is for Planning Permission in Principle and, therefore, this would be assessed at the MSC stage. Nevertheless, it should be noted that as detailed previously, no objections have been received from the consultees. Taking the above into account, it is considered that the proposal is acceptable at this stage with regard to the requirements of Policies 16, DM15, DM16, SDCC 2 and SDCC3 of the LDP.
- 6.11 As detailed previously, a Section 42 application requires all other conditions, if relevant, to be attached to any new planning permission. In this instance and to ensure that the planning conditions imposed are consistent with current policies, a number of planning conditions have been updated, including combining these where relevant. It should also be noted that condition 2 of the previous consent relating to compliance with the residential design guide has been removed because there is currently no applicable up to date document and an assessment of good design will be a key consideration in any future application.
- 6.12 In conclusion, it is considered that the proposed change to the condition is acceptable and the principle is supported by the NPF4 policies and the SLLDP2 policies. Indeed, the site is allocated for housing within the SLLDP2 and, therefore, a new permission in principle of residential development on the site does not undermine the strategy of the SLLDP2. It is therefore recommended that planning permission be granted.

7 Reasons for Decision

- 7.1 The proposal is considered to be consistent with NPF4 Policies 1, 2, 3, 14, 15 and 16 and with Policies 1, 2, 3, 5, 11, 16, DM15, DM16, SDCC2 and SDCC3 of the South Lanarkshire Local Development Plan 2 (2021).

David Booth

Executive Director (Community and Enterprise Resources)

Date: 26 May 2023

Previous references

- ◆ P/19/1546 - Planning Committee - 10 March 2020
- ◆ CL/16/0356 – Planning Committee - 1 November 2016
- ◆ CL/13/0334 – Planning Committee - 19 November 2013
- ◆ CL/08/0313 – Planning Committee - 9 September 2008

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ National Planning Framework (NPF4)
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 29 March 2023
- ▶ Press advert dated 12 April 2023

► Consultations

Roads Development Management Team	10.05.2023
Environmental Services	11.05.2023
The Coal Authority Planning and Local Authority Liaison	12.04.2023
Roads Flood Risk Management	11.05.2023
SEPA West Region	30.03.2023

► Representations: None

Contact for further information

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

Jane Weir, Planning Team Leader, Floor 6, Council Offices, Almada Street, Hamilton, ML3 0AA

Phone: 07795 455 502

Email: jane.weir@southlanarkshire.gov.uk

Conditions and reasons

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

These matters are as follows:-

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

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

02. The development to which this permission in principle relates shall be begun no later than the expiration of five years beginning with the date of grant of this decision notice.

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

03. That in relation to condition 1(e), the proposed structural planting and landscaping belt shall measure not less than 20 metres in extent. The approved scheme of structural landscaping to form a tree and planting belt shall be carried out during the first planting season following implementation of the development and maintained thereafter for the lifetime of the development, unless variation to this condition is approved in writing by the Planning Authority.

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

04. That the further application required under Condition 1(a) above shall include provision of footpaths/cycle path links to Coalburn and the wider countryside in line with the principles of local living.

Reason: In the interests of connectivity and access.

05. That the further application required under Condition 1(a) above shall include and make provision for:-

- (a) a visibility splay of 4.5 metre by 90 metres on both sides of the vehicular access onto Middlemuir Road, measured from the edge of the road channel with no objects greater in height than 900mm located within the splay. This should be confirmed to be within the applicant's control;
- (b) the existing road (Middlemuir Road) from the bridge to the proposed development shall be widened to 5.5 metres
- (c) A 2m footway connection to the existing footway network in Coalburn to be provided.
- (d) driveways of a minimum length of 12 metres if a garage is not provided and 6 metres long with a garage minimum carriageway widths at driveways to be 5.5 metres and;
- (e) 2 parking spaces for dwellings with 3 bedrooms or less and 3 spaces for dwellings with 4 bedrooms or more.

For the avoidance of doubt the above shall all be implemented prior to the occupancy of any dwellinghouse.

Reason: In the interests of Road Safety.

06. That the further application required under the terms of Condition 1(h) above, shall be accompanied by a Design Statement which shall set out the design principles, justify the design solution and show how the proposal responds to the wider context of the area as well as the characteristics of the site; specific reference shall be made landscape and open space provision.

Reason: In the interests of Design.

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

Reason: In the interests of drainage and water management.

08. That no existing drainage channels or culverts shall be altered without the prior approval of the Council as Planning Authority in consultation with SEPA.

Reason: In the interests of drainage and water management.

09. That the further application required under the terms of condition 1(i) above shall be accompanied by a Flood Risk Assessment, with reference made to CIRIA C624 and in accordance with the Reporting Requirements for Flood Risk Assessments issued by SEPA.

Reason: In the interests of Flood Risk.

10. That prior to commencement of any works on site, a comprehensive site investigation, carried out to the appropriate Phase level, shall be submitted to and approved in writing by the Council as Planning Authority. The investigation shall be completed in accordance with advice given in the following:-

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

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.

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

Reason: In the interests of contaminated land.

11. That 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.

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.

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: In the interests of remediation.

12. That separate to, but not exclusive of the site investigation and remediation set out within conditions 10 and 11, before any work starts on site a scheme of intrusive site investigations, which are adequate to properly assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity and off-site recorded mine entries, the results of which, including a scheme of remedial/mitigatory works following these investigations shall be submitted for the written approval of the Planning Authority. Once approved all remedial and mitigatory works shall be implemented in full prior to the development commencing.

Reason: In the interests of structural stability relating to coal workings.

13. That this permission is for planning permission in principle, the drawings are indicative only and any proposed layouts would be subject to a Matters Specified by Condition application under condition 1 to determine their suitability.

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

- 14 That the housing developer shall ensure that (prior to the development becoming occupied) the neighbourhood noise levels (including noise from industrial and commercial noise sources) comply with the following:-

Part 1

Between the hours of 08:00 and 20:00 the measured noise rating level emitted from any pre-existing industrial or commercial premises ($L_{Ar,1hr}$) shall not exceed the background noise level ($L_{A90,30\ min}$) by more than 4dB within the curtilage of the new residential development. This shall be measured in accordance with British Standard BS 4142:2014 - Method for Rating and Assessing Industrial and Commercial Sound at the proposed development. Between the hours of 20:00 and 08:00 the noise rating level emitted from any pre-existing industrial or commercial premises ($L_{Ar,15\ min}$) shall not exceed the background noise level ($L_{A90,30min}$) by more than 4dB. This shall be measured in accordance with BS4142:2014 at the proposed development.

Part 2

The internal noise levels shall comply with BS 8233:2014 Guidance on sound insulation and noise reduction for buildings as follows:-

- a) The internal levels with windows open (or under exceptional circumstances closed) do not exceed an $L_{Aeq,16hr}$ of 40dB daytime (07:00 – 23:00)
- b) The internal levels with windows open (or under exceptional circumstances closed) do not exceed an $L_{Aeq,8hr}$ of 30dB night-time (23:00 – 07:00).
- c) The internal levels with windows open (or under exceptional circumstances closed) do not exceed an L_{Amax} of 45dB night-time (23:00 – 07:00).
- d) The external levels shall not exceed an $L_{Aeq,16hr}$ of 50dB daytime in any garden amenity areas, when measured free-field

Part 3

The Internal Noise Rating Values, within the residential property and resultant from the neighbourhood (industrial and commercial) and neighbour noise (installed services), shall not exceed:-

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

Reason: In the interests of residential amenity.



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12/05/2023



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

Report

13

Report to:	Planning Committee
Date of Meeting:	6 June 2023
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/23/0257
Planning proposal:	Siting of mobile snack van

1 Summary application information

Application type:	Detailed planning application
Applicant:	Belly Busters
Location:	Outside No. 5A Law Place Nerston Industrial Estate East Kilbride G74 4QL

2 Recommendation(s)

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

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

2.2 Other actions/notes

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

3 Other information

- ◆ Applicant's Agent: N/A
- ◆ Council Area/Ward: 09 East Kilbride West
- ◆ Policy Reference(s): **National Planning Framework 4**
Policy 1 - Tackling the Climate and Nature Crises
Policy 2 - Climate Mitigation and Adaptation
Policy 26 - Business and Industry
Adopted South Lanarkshire Local Development Plan 2
Policy 1 - Spatial Strategy
Policy 2 - Climate Change
Policy 3 - General Urban Areas and Settlements
Policy 5 - Development Management and Placemaking
Policy 8 - Employment
Policy ICD2 - Non-conforming Uses in Core Industrial/Business Areas
Policy DM13 - Mobile Snack Vans

◆ **Representation(s):**

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

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Planning Application Report

1 Application Site

- 1.1 The application site is located on the public road at Law Place and the proposed snack van would be positioned to the south of the industrial unit at 5 and 5A Law Place within the Nerston Industrial Estate. The site is bound on all aspects by industrial units. There are 2 other mobile snack vans located in the vicinity to the north-east of the site.

2 Proposal(s)

- 2.1 Planning permission is sought for the siting of a mobile snack van which would measure 3 metres in length and would be 1.8 metres wide. The snack van would be located at the site from 8am to 2pm Monday to Friday and would be removed from the location outwith the operating times. Waste generated by the proposed development is to be disposed of daily.

3 Development Plan

3.1 National Planning Framework 4

- 3.1.1 The National Planning Framework 4 was approved by the Scottish Ministers on 13 February 2023 and now forms part of the Development Plan. National Planning Framework 4 (NPF4) provides Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places and productive places.

- 3.1.2 In respect of NPF4 the following policies are of particular relevance in the assessment of this proposal:-

- ◆ Policy 1 - Tackling the Climate and Nature Crises
- ◆ Policy 2 - Climate Mitigation and Adaptation
- ◆ Policy 26 - Business and Industry

3.2 South Lanarkshire Local Development Plan 2

- 3.2.1 The site is identified within the adopted South Lanarkshire Local Development Plan 2 (2021) (SLLDP2) as being located within the Nerston Core Industrial and Business Area. The following policies require to be taken into consideration:-

- ◆ Policy 1 - Spatial Strategy
- ◆ Policy 2 - Climate Change
- ◆ Policy 3 - General Urban Areas and Settlements
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 8 - Employment
- ◆ Policy ICD2 - Non-conforming Uses in Core Industrial/Business Areas
- ◆ Policy DM13 - Mobile Snack Vans

3.3 Planning Background

- 3.3.1 No history for this particular site although a mobile snack van at 15 Law Place was granted temporary consent for 2 years which expired on 22 September 2019. No further application was received therefore the current operation is unauthorised.

4 Consultations

- 4.1 **Roads and Transportation Services (Development Management)** – raised no objection to the proposed development subject to conditions.

Response: Noted. Should planning permission be granted, appropriate conditions would be attached to any decision issued.

- 4.2 **Environmental Services** – raised no objection to the proposed development subject to a condition in respect of noise levels from the premises and an advisory note in relation to the Food Safety Act 1990.

Response: Noted. Should planning permission be granted, the appropriate condition and advisory note would be attached to any decision issued.

5 Representation(s)

- 5.1 Following the statutory period of neighbour notification and advertisement in the East Kilbride News in relation to non-notification of neighbours, eight letters of representation have been received. The issues raised are summarised as follows:-

- ◆ Road safety and increased traffic congestion.
- ◆ Impact from littering.
- ◆ Noise impact.
- ◆ Over provision of snack vans in the area selling unhealthy food.

A number of other non-material planning issues were also raised by objectors:-

- ◆ Impact on viability of similar neighbouring business.
- ◆ Impact on employment of similar neighbouring businesses.

- 5.2 The above issues are considered in section 6 of this report and full copies of the representations are available to view on the planning portal.

6 Assessment and Conclusions

- 6.1 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the approved National Planning Framework 4 2023 (NPF4) and the adopted South Lanarkshire Local Development Plan 2 2021 (SLLDP2).

- 6.2 NPF4 Policy 1 - Tackling the Climate and Nature Crises and NPF4 Policy 2 - Climate Mitigation and Adaptation aim to ensure that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. The minor scale of the proposed development would not be considered to have a significant potential impact in terms of the Climate and Nature Crises. It is, therefore, considered that the proposed development would not raise any issues that conflict with the aims of Policy 1 or 2 of NPF4.

- 6.3 Policy 26 - Business and Industry of NPF4 advises that development proposals for business and industry uses will be supported where they are compatible with the primary business function of the area. Other employment uses will be supported where they will not prejudice the primary function of the area and are compatible with the business/industrial character of the area. The proposed snack van is considered to be an acceptable, small-scale, ancillary use within the industrial area which would not significantly impact on the primary function or the character of the area. It is therefore considered that the proposed development is compliant with Policy 26 of NPF4.

- 6.4 In terms of the South Lanarkshire Local Development Plan 2, Policy 2 – Climate Change, states that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. The proposed development is not considered to be of a scale which would adversely affect climate change and, as such, is considered to comply with Policy 2 of the SLLDP2.

- 6.5 Policy 5 - Development Management and Placemaking advises that proposals should have no unacceptable significant adverse impacts on the local community and the environment, and that the development shall not have an unacceptable significant adverse impact on the amenity of any nearby residential properties as a result of light, noise, odours, dust or particulates or other emissions. The proposed development is not considered to adversely affect the local environment as it would be located within an industrial area and would therefore not impact on residential amenity. The proposed snack van would be removed from the site outwith the proposed operational hours of 8am to 2pm Monday to Friday, further reducing any potential impact. It is therefore considered that the proposal is compliant with Policy 5 of the SLLDP2.
- 6.6 The proposed development would be located within a Core Industrial and Business Area where Policy 8 – Employment and Policy ICD2 Non-conforming Uses in Core Industrial/Business Areas are applicable. Policy ICD2 advises that the development proposals shall not adversely affect the industrial operation, amenity, industrial character or function of the area, including traffic movement and circulation. In principle, snack vans within industrial areas are considered to be an acceptable ancillary use which provide a service for local employees and reduce the requirement for additional travel outwith the area.
- 6.7 Several objections which referred to concerns relating to road safety in terms of the proposed development were received. Roads and Transportation Services were consulted and offered no objection to the siting of the snack van at this location, subject to conditions which can be attached to any permission granted. It is therefore considered that the proposed development complies with Policy 8 and Policy ICD2 of the SLLDP2.
- 6.8 Policy DM13 - Mobile Snack Vans is also applicable in this instance. This policy states that snack vans will be unacceptable in the following locations:-
- ◆ On sites in proximity to established retail centres or where local shops exist nearby.
 - ◆ On or adjacent to major traffic routes or where traffic safety problems will result from the siting of the snack van.
 - ◆ In locations where the siting of the van is likely to result in a significant loss of amenity in urban or rural areas by virtue of noise, smell or visual impact, including impact on the quality and integrity of any natural or historic environment designations.
 - ◆ In locations where planning consent has already been granted for a mobile snack van to ensure no more than one van operates in a particular industrial estate or localised area.
- 6.9 In terms of the above policy criteria, the site is located within an industrial area. While nearby shops exist, these are generally larger supermarkets, home stores or DIY/furniture stores whereby there would be no impact on the retail offering as a result of this development. Given the small-scale nature of the proposal it would not negatively impact on the natural environment or greenspace provision as it would be located on a public road.
- 6.10 In relation to the operation of nearby snack vans, the temporary consent for the snack van at 15 Law Place expired in 2019 and the current use is therefore unauthorised, thus this proposal is not considered to give rise to an adverse cumulative impact. Furthermore, the snack van within the grounds of B&Q is over 1km away and is generally considered to be used by visitors to the B&Q store, as it is not as readily accessible to the employees of the surrounding industrial units near the application

site. A number of the objections related to the viability and impact on the employees of the snack van at 15 Law Place, however, the commercial viability is not a material planning consideration, and the temporary consent for this snack van has expired. In terms of waste, the application form states that this will be removed on a daily basis, and a condition relating to the provision of a waste container at the site will be attached to any permission granted as requested by Roads and Transportation Services.

- 6.11 Overall, adequate arrangements for waste can be accommodated within the development, and the visual appearance of the snack van is not considered to be overly obtrusive to warrant refusal in this instance. Road matters will be addressed through conditions and informatives, and any permission granted will be restricted to a temporary consent in line with the criteria contained within Policy DM13 of the SLLDP2. This is further in line with the aims of Policies 1 and 3 of the SLLDP2 which seek to direct development towards sustainable urban settlements and ensure new developments have no adverse amenity impacts.
- 6.12 In conclusion, the proposed development is considered to be an acceptable form of ancillary development within an industrial area which would not significantly adversely impact upon on the character, function or amenity of the industrial estate and wider area. The proposal does not conflict with any climate change policies and was assessed in terms of road safety and noise, and technical consultees raise no objections, subject to conditions and informatives. The proposal is in compliance with the relevant policies contained within the NPF4 and SLLDP2 and it is therefore recommended for approval.

7 Reasons for Decision

- 7.1 The proposal would not have a significant detrimental impact on public and road safety or the character or function of the industrial area and complies with Policies 1, 2, and 26 of NPF4 and Policies 1, 2, 3, 5, 8, ICD2 and DM13 of the South Lanarkshire Local Development Plan 2 (2021).

David Booth

Executive Director (Community and Enterprise Resources)

Date: 26 May 2023

Previous references

- ◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ NPF4
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 13 March 2023

- ▶ Consultations

Roads Development Management Team

24.03.2023

Environmental Services

21.04.2023

Contact for further information

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

Jane Weir, Planning Team Leader Floor 6, Council Offices, Almada Street, Hamilton, ML3 0AA

Phone: 07795 455 502

Email: jane.weir@southlanarkshire.gov.uk

Conditions and reasons

01. Planning permission is hereby granted for a temporary period only and shall cease to have effect from five years from the date of this consent (the 'cessation date'). Within two months of the cessation date, the application site shall be cleared of all works and development approved under the terms of this permission (including any subsequent ancillary works, infrastructure, fixtures, fittings and any temporary developments permitted under Class 14 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992).

Reason: To ensure that the temporary development is timeously removed in the interests of the visual amenities of the area and in order to retain effective planning control.

02. The development hereby approved, shall not operate out-with the hours of 0800 and 1400 Monday-Friday unless otherwise agreed in writing by the Planning Authority.

Reason: In the interest of amenity.

03. Between the hours of 08:00 and 20:00 the measured noise rating level emitted from the premises (LAeq,1hr) shall not exceed the pre-existing background noise level (LA90,30 min) by more than 4dB when measured in accordance with British Standard BS 4142:2014 - Method for Rating and Assessing Industrial and Commercial Sound at any noise sensitive 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 (LAeq,15min) shall not exceed the pre-existing background noise level (LA90,30min) by more than 4dB when measured in accordance with BS4142:2014 at any noise sensitive buildings where people are likely to be affected.

Reason: To minimise noise disturbance to adjacent occupants and to ensure that noise from the development does not result in undue loss of amenity for surrounding properties.

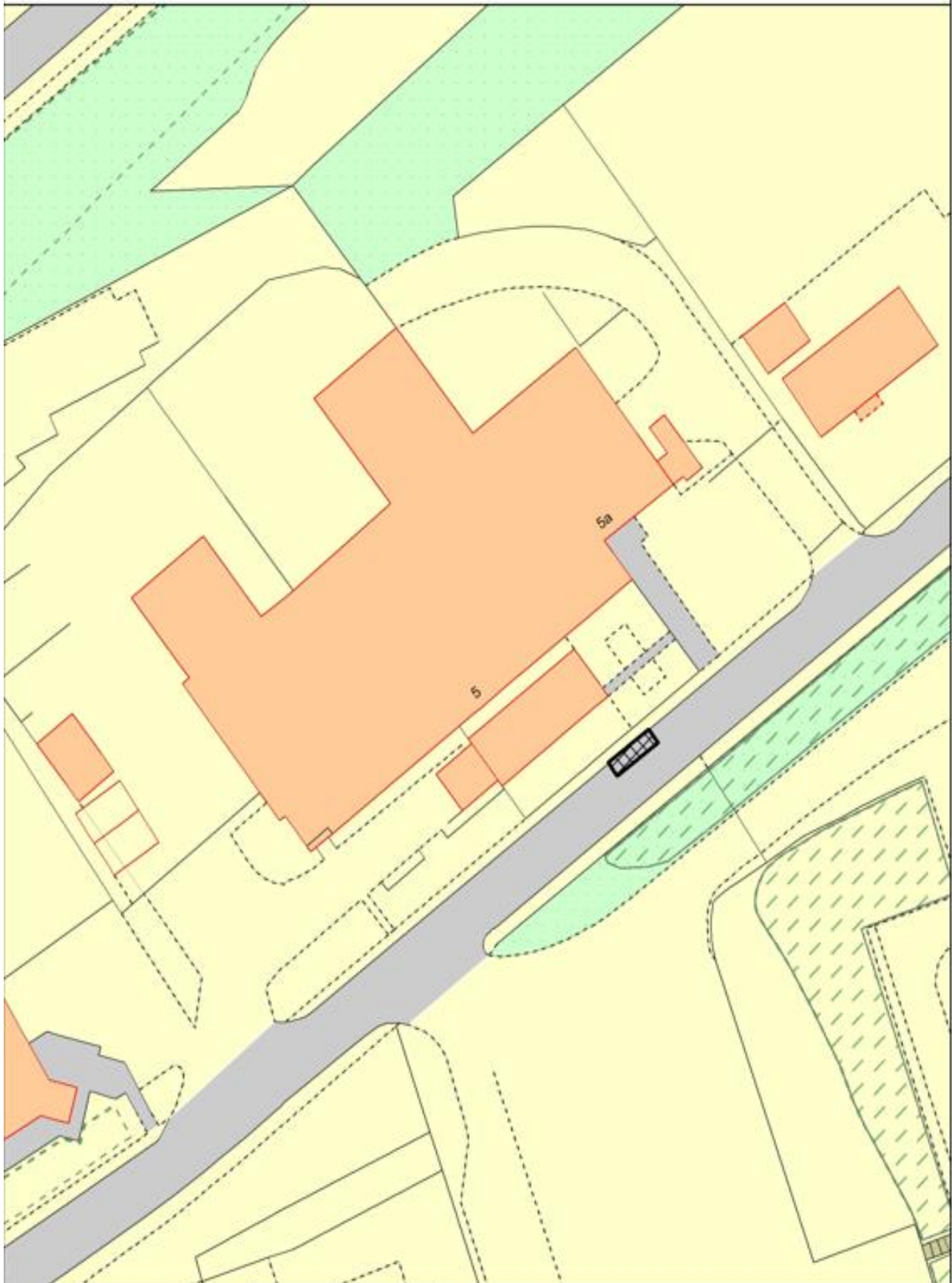
04. No works in connection with the development hereby approved shall commence unless full details of a waste disposal arrangement scheme has been provided and approved in writing by the Planning Authority. For the avoidance of doubt, no waste materials are to be discharged down road gulley's, and the applicant will be responsible for supplying containers for waste/litter and ensuring the area is kept litter free.

The snack van hereby approved shall not be brought into use unless the waste scheme has been provided in accordance with the approved details. Once provided, the waste scheme shall be permanently in situ during hours of operation as outlined in condition 2.

Reason: To ensure that adequate waste provision is made in the interests of pedestrian and road safety, and the visual amenities of the area, and to prevent blockage of drainage infrastructure.

05. Notwithstanding the development hereby approved, for the avoidance of doubt, no trading from the snack van is permitted within 20 metres of a road junction or on areas designated by road markings (i.e. waiting restrictions/ "School Keep Clear") and no parking on the footway by the snack van or customer vehicles is permitted. Any canopy associated with the snack van should be positioned at a minimum of 2.3m in height above the footway.

Reason: In the interests of pedestrian and road safety.



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