



Council Offices, Almada Street
Hamilton, ML3 0AA

Monday, 13 March 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, 21 March 2023

Time: 10:00

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

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

Yours sincerely

Cleland Sneddon
Chief Executive

Members

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

Substitutes

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

BUSINESS

1 Declaration of Interests

- 2 Minutes of Previous Meeting** 5 - 18
Minutes of the meeting of the Planning Committee held on 24 January 2023 submitted for approval as a correct record. (Copy attached)

Item(s) for Decision

- 3 National Planning Framework 4 Update** 19 - 28
Report dated 10 March 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 4 Changes to General Permitted Development Rights and Use Classes Order - Update** 29 - 32
Report dated 28 February 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 5 Legacy Applications Report** 33 - 42
Report dated 9 March 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 6 Application P/20/0548 for Demolition of Existing Farm Steading and Erection of Residential Development Comprising 15 Houses with Roads, Landscaping and Other Associated Works, Including Stabilisation Works to Gilbertfield Castle at Gilbertfield Farm, Gilbertfield Road, Cambuslang** 43 - 58
Report dated 9 March 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 7 Application P/21/1764 for Erection of up to 1012 Residential Dwellings, 3 Retail Units (Class 1), 1 Office Unit (Class 2), 1 Business Unit (Class 4), 1 Nursery (Class 10) and Associated Access, Parking, SUDs Basins and Landscaping (Planning Permission in Principle) at Langlands West, Auldhouse Road, East Kilbride** 59 - 80
Report dated 8 March 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 8 Application P/22/1030 for Erection of 18 Houses and Associated Infrastructure at Site of Former Netherburn Primary School, Draffan Road, Netherburn, Larkhall** 81 - 98
Report dated 9 March 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 9 Application P/22/1377 for Substitution of House Types (Amendment to P/20/0023 for the Erection of 190 Houses with Associated Roads, Drainage, Landscaping and Open Space) at Land 360 Metres North Northeast of Hallside Manse, Manse Brae, Cambuslang** 99 - 112
Report dated 9 March 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)

Urgent Business

- 10 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 the Council Chamber, Council Offices, Almada Street, Hamilton on 24 January 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 Maureen Devlin, Councillor Mary Donnelly, Councillor Gladys Ferguson-Miller, Councillor Celine Handibode, Councillor Mark Horsham, Councillor Ross Lambie, Councillor Lesley McDonald, Councillor Davie McLachlan, Councillor Norman Rae, Councillor Dr Ali Salamati, Councillor Graham Scott, Councillor David Shearer, Councillor Bert Thomson (*substitute for Councillor Monique McAdams*), Councillor Helen Toner, Councillor David Watson

Councillors' Apologies:

Councillor Joe Fagan (ex officio), Councillor Elise Frame, Councillor Alistair Fulton, Councillor Monique McAdams, Councillor John Ross

Attending:

Community and Enterprise Resources

B Darroch, Planning and Building Standards Manager (East); F Carlin, Head of Planning and Regulatory Services; T Finn, Planning and Building Standards Manager (Headquarters); 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)
Ferguson-Miller	Application P/22/1659 for Erection of Single Storey Rear Extension at 14 Clamps Wood, East Kilbride	Applicant

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 22 November 2022 were submitted for approval as a correct record.

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

3 National Planning Framework 4

A report dated 13 January 2023 by the Executive Director (Community and Enterprise Resources) was submitted:-

- ♦ advising of the approval by the Scottish Parliament of National Planning Framework 4 (NPF4)
- ♦ summarising the key issues contained within the document and its contribution to future decision-making in relation to planning matters

The Planning (Scotland) Act 2019 had introduced a statutory requirement for the Scottish Government to prepare and adopt a new National Planning Framework. As such, all planning decisions, including the preparation of Local Development Plans and the determination of planning applications, would have to accord with NPF4 and the following 6 outcomes that it was required to achieve:-

- ♦ improving the health and wellbeing of the people
- ♦ increasing the population of rural areas
- ♦ meeting housing needs
- ♦ improving equality and eliminating discrimination
- ♦ meeting targets for emissions of greenhouse gases
- ♦ securing positive effects for biodiversity

The Scottish Parliament approved NPF4 on 11 January 2023 and Scottish Ministers were now required to adopt and publish NPF4, although there was a 6-week period, from 11 January 2023, during which legal challenges on the document could be made to the courts. In the meantime, NPF4 was a material consideration when determining planning applications and it was expected that transitional arrangements and detailed guidance would be published by the Scottish Government to help the initial implementation of NPF4.

Details of NPF4, its implications in the context of South Lanarkshire and the transformation of the way in which decisions on planning matters would be made were provided in the report.

Once adopted, NPF4 would become part of the Development Plan alongside the adopted South Lanarkshire Local Development Plan 2. In the longer term, the Scottish Government had advised that the regulations for the preparation of Local Development Plans, Open Space Strategies and Play Sufficiency Assessments would be laid before the Scottish Parliament after the 6-week judicial review period for NPF4 had expired. It was currently estimated that the regulations would come into force around springtime or early summer, after which, work on the preparation of South Lanarkshire Local Development Plan 3 (SLLDP3) would formally start. A report outlining the process and timescales for the preparation of SLLDP3 would be submitted to a future meeting of this Committee.

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

The Committee decided: that the approval of National Planning Framework 4 by the Scottish Parliament and the associated implications for decision-making in relation to planning matters be noted.

[Reference: Minutes of 29 March 2022 (Paragraph 19)]

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

4 Application P/22/0360 for Erection of House (Planning Permission in Principle) at Land at Spittal Farm, Spittal Road, Carnwath

A report dated 16 January 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0360 by K Brown for the erection of a house (planning permission in principle) at land at Spittal Farm, Spittal Road, Carnwath.

At its meeting on 22 November 2022, the Committee deferred the application to allow members the opportunity to view the proposed site plan.

Following discussion, during which an officer responded to members' questions on various aspects of the report, Councillor Nelson, seconded by Councillor Convery, moved that the application be refused for the reasons specified in the Executive Director's report. Councillor Allison, seconded by Councillor McDonald, moved that the application be granted subject to appropriate conditions, to be prepared by officers, on the grounds that the application site was deemed to be a gap site. On a vote being taken using the electronic voting system, 7 members voted for the motion and 15 for the amendment which was declared carried.

The Committee decided: that planning application P/22/0360 by K Brown for the erection of a house (planning permission in principle) at land at Spittal Farm, Spittal Road, Carnwath be granted subject to the conditions attached as Appendix 1 to this minute.

[Reference: Minutes of 22 November 2022 (Paragraph 11)]

5 Application P/22/0771 for Demolition of Building and Derelict Railway Bridge and the Erection of 3 Houses, Access Roads and Footpath at Land 60 Metres North of 68 Biggar Road, Biggar Road, Symington, Biggar

A report dated 16 January 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0771 by M Gaffney for the demolition of a building and derelict railway bridge and the erection of 3 houses, access roads and footpath at land 60 metres north of 68 Biggar Road, Biggar Road, Symington, Biggar.

At its meeting on 22 November 2022, the Committee deferred the application to allow information to be provided on the Council's legislative responsibilities in relation to potential reinstatement of the railway track bed and associated infrastructure.

The Committee decided: that planning application P/22/0771 by M Gaffney for the demolition of a building and derelict railway bridge and the erection of 3 houses, access roads and footpath at land 60 metres north of 68 Biggar Road, Biggar Road, Symington, Biggar be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 22 November 2022 (Paragraph 5)]

6 Application P/20/1264 for Erection of a 55 Kilowatt Vertical Axis Wind Turbine with a Rotor Diameter of 14 Metres and Maximum Tip Height of 37 Metres at Land 250 Metres West of Park Farm, Hurlawcrook Road, East Kilbride

A report dated 13 January 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/1264 by Access Energy Limited for the erection of a 55 kilowatt vertical axis wind turbine with a rotor diameter of 14 metres and maximum tip height of 37 metres at land 250 metres west of Park Farm, Hurlawcrook Road, East Kilbride.

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/20/1264 by Access Energy Limited for the erection of a 55 kilowatt vertical axis wind turbine with a rotor diameter of 14 metres and maximum tip height of 37 metres at land 250 metres west of Park Farm, Hurlawcrook Road, East Kilbride be refused for the reasons specified in the Executive Director's report.

7 Application P/22/1217 for Erection of Retail Unit (Class 1) with Associated Works at 151 Western Road, Cambuslang

A report dated 13 January 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/1217 by IA Real Estate Limited for the erection of a retail unit (Class 1) with associated works at 151 Western Road, Cambuslang.

The Committee decided: that planning application P/22/1217 by IA Real Estate Limited for the erection of a retail unit (Class 1) with associated works at 151 Western Road, Cambuslang be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 13 August 2019 (Paragraph 12)]

8 Application P/22/0819 for Erection of 2 Detached Houses with Associated Parking and Landscaping at Land at Rowhead Farm, Biggar Mill Road, Biggar

A report dated 16 January 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0819 by Mr and Mrs Lawson for the erection of 2 detached houses with associated parking and landscaping at land at Rowhead Farm, Biggar Mill Road, Biggar.

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 McDonald, seconded by Councillor Barker, moved that the application be granted subject to appropriate conditions, to be prepared by officers, on the grounds that the application site was deemed to be a gap site. On a vote being taken using the electronic voting system, 7 members voted for the motion, 14 for the amendment and 1 abstained. The amendment was declared carried.

The Committee decided: that planning application P/22/0819 by Mr and Mrs Lawson for the erection of 2 detached houses with associated parking and landscaping at land at Rowhead Farm, Biggar Mill Road, Biggar be granted subject to the conditions attached as Appendix 2 to this minute.

9 Application P/22/1492 for Erection of Upper Floor Extension and 2 Storey Extension to House at 1 Hillend Road, Rutherglen

A report dated 13 January 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/1492 by R Watson for the erection of an upper floor extension and 2 storey extension to a house at 1 Hillend Road, Rutherglen.

The Committee decided:

that planning application P/22/1492 by R Watson for the erection of an upper floor extension and 2 storey extension to a house at 1 Hillend Road, Rutherglen be granted subject to the conditions specified in the Executive Director's report.

10 Application P/22/1659 for Erection of Single Storey Rear Extension at 14 Clamps Wood, East Kilbride

A report dated 13 January 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/1659 by G Miller for the erection of a single storey rear extension at 14 Clamps Wood, East Kilbride.

The Committee decided:

that planning application P/22/1659 by G Miller for the erection of a single storey rear extension at 14 Clamps Wood, East Kilbride be granted subject to the condition specified in the Executive Director's report.

Councillor Ferguson-Miller, having declared an interest in the above application, withdrew from the meeting during its consideration

11 Tree Preservation Order – Chestnut Walk and Dunavon Avenue, Strathaven

A report dated 13 January 2023 by the Executive Director (Community and Enterprise Resources) was submitted on the promotion of a Provisional Tree Preservation Order (TPO) on 28 trees located at Chestnut Walk and Dunavon Avenue, Strathaven, as detailed on the plan attached to the Executive Director's report.

The Provisional TPO was required to ensure that no inappropriate work was undertaken to the trees, which were considered to contribute to the character, amenity and sense of place at Chestnut Walk and Dunavon Avenue, Strathaven, as well as the surrounding area.

The Committee decided:

- (1) that a Provisional Tree Preservation Order be promoted under the terms of Section 163 (Provisional Tree Preservation Order) of the Town and Country Planning (Scotland) Act 1997 on the groups of trees identified on the plan attached to the report; and
- (2) that, should there be no objections to the Provisional Tree Preservation Order, the Order be confirmed within 6 months of the date of its promotion.

Councillor Lambie left the meeting during consideration of this item of business

12 Urgent Business

There were no items of urgent business.

Application P/22/0360 for Erection of House (Planning Permission in Principle) at Land at Spittal Farm, Spittal Road, Carnwath

01. 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).

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

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

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

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

04. That notwithstanding the terms of Condition 3 above, the design and siting of any dwellinghouse on the site shall take due cognisance of the rural location, with particular regard being paid to scale, massing, roof pitch, fenestration and materials; and shall be in accordance with the Council's approved policy on new dwellings in the rural area.

Reason: To safeguard the visual amenity of the rural area.

05. That the further application(s) required under the terms of Condition 2, shall make reference to and incorporate the criteria specified within the approved South Lanarkshire Council 'Residential Design Guide'.

Reason: In the interests of amenity and to ensure that the Council's key residential design standards are met.

06. That no consent is hereby granted for the indicative house footprint shown on the site plan.

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

07. That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Developer Design Guidance (May 2020) and shall include the following signed appendices: C 'Sustainable Drainage Design Compliance certificate', D 'Sustainable Drainage Design Independent Check Certificate' and E 'Confirmation of Future Maintenance of Sustainable Drainage Apparatus'. The development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved in writing by the Council as Planning Authority.

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

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

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

09. That the dwellinghouse shall not be occupied until the developer provides a written agreement from SEPA that the site can be served by a sewerage scheme in accordance with relevant standards and regulations.

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

10. That before the development hereby approved is completed or brought into use, a visibility splay of 2.5 metres by 215 metres measured from the road channel shall be provided to the east of the vehicular access and a visibility splay of 2.5 metres by 57.4 metres to the west measured from the road channel shall be provided to the right of the vehicular access as indicated on the approved Site Plan 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.

11. That the further application required under Condition 2 shall include provision for a 2 metre wide verge along the entire site frontage.

Reason: In the interests of public safety.

12. That before the development hereby approved is completed or brought into use, a turning space shall be provided within the site to enable vehicles to enter and leave the application site in forward gears at all times.

Reason: In the interests of traffic and public safety.

13. That no gates or other obstructions shall be erected within the first 6 metres of the driveway as measured from the heel of the footway.

Reason: In the interests of traffic and public safety.

14. That before the development hereby approved is completed or brought into use, 1 no. parking spaces for 1 bedroom house, 2 no. parking spaces for 2 and 3 bedrooms and for 4 or more bedrooms 3 no parking spaces (all individual parking spaces to be 3.0m x 6.0m modules) shall be laid out, constructed, and thereafter maintained to the specification of the Council as Roads and Planning Authority.

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

15. That any garage or car port erected within the curtilage of the site shall be at least 6 metres from the heel of the footway.

Reason: To ensure the provision of adequate parking facilities to reduce the incidence of roadside parking.

16. The energy statement required by condition 2 above, shall include:-

- (a) the total predicted energy requirements and CO2 emissions of the development, clearly illustrating the additional 15% reduction beyond the 2007 building regulations CO2 standard;
- (b) a schedule of proposed on-site zero and low carbon energy technologies to be included in the development and their respective energy contributions and carbon savings;
- (c) an indication of the location and design of the on-site energy technologies; and
- (d) a maintenance programme for the on-site zero and low carbon energy technologies to be incorporated.

The approved on-site zero and low carbon energy technologies shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter be maintained and shall remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the Council as Planning Authority.

Reason: These details have not been provided or approved.

17. Prior to the commencement of work on site full details of a tree planting scheme, in the area shaded green on the Site Plan, shall be submitted to and approved in writing by the Council as Planning Authority. This will include planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times.

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

Reason: To enhance the natural heritage of the area.

18. That the approved tree planting shall be completed to the satisfaction of the Council as Planning Authority prior to commencement of work on the dwellinghouse hereby approved 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.

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

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

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

Reason: To ensure that the development is served by an appropriate water supply.

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

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

22. That prior to the commencement of works, details and locations of charging point(s) for electrical cars, shall be submitted for the written approval of the Council as Planning Authority. Prior to the completion of the development the approved charging points shall be installed, available for use and thereafter maintained and replaced where necessary to the satisfaction of the Council.

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

23. Prior to the occupation of the dwelling, a passing place shall be provided between Medwyn Rise and the proposed site access. The passing place shall be designed in accordance with the National Development Roads Guidelines for approval and thereafter constructed to the approved specification. The passing place will require the fence line to be realigned.

Reason: In the interests of traffic and public safety.

24. That the existing soakaway drains, manhole and septic tank outfall pipe which falls within the application site boundary and serves the existing neighbouring property to the west, Medwyn Rise, shall remain in place and shall not be disrupted or interrupted in anyway by the approved development.

Reason: To ensure that the development does not impact upon the drainage and septic tank outfall pipe serving a neighbouring property.

Application P/22/0819 for Erection of 2 Detached Houses with Associated Parking and Landscaping at Land at Rowhead Farm, Biggar Mill Road, Biggar

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

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

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

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

05. That before the dwellinghouses hereby approved are occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 4, shall be erected and thereafter maintained to the satisfaction of the Council.

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

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

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

07. Prior to completion or first occupation of the dwelling houses hereby approved, full details of the tree and hedge planting scheme, shown on the Proposed Site Plan L(0)01, shall be submitted to and approved in writing by the Council as Planning Authority. This will include planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times.

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

Reason: To enhance the natural heritage of the area.

08. That the approved hedgerow and tree planting shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the dwelling or completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

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

09. Prior to the commencement of works on site, the applicant will require to submit a flood risk assessment for the consideration and approval of the Council. Self-certification and independent check certificates appendices A and B (refer to the Council's developer design guidance May 2020) duly signed by the relevant party are to be submitted.

Reason: To ensure that works proposed are not at risk of flooding and will not increase the likelihood of flooding elsewhere.

10. Prior to the commencement of works on site, the applicant shall provide a sustainable drainage strategy for the approval of the Council. Copies of the self-certification and independent checks contained within Appendices C and D (refer to the Council's developer design guidance May 2020) duly signed by the relevant parties are to be submitted.

Reason: To ensure the drainage designs are acceptable to the Council and in the interests of road safety.

11. Prior to the commencement of works on site, if the intention is to connect drainage into the public sewer, the applicant will require to provide confirmation from Scottish Water that they are willing to accept the drainage discharge and design.

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

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

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

13. That before any dwellinghouses within the development hereby approved are completed or brought into use, all of the parking spaces as shown on the Proposed Site Plan L(0)01 shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.

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

14. That before the development hereby approved is completed or brought into use, a visibility splay of 2.0 metres by 43.0 metres measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of traffic and public safety.

15. That none of the driveways shall have a gradient exceeding 1 in 12.

Reason: In the interests of traffic and public safety.

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

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

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

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

Reason: To secure a reduction in carbon dioxide emissions.

18. The approved on-site zero and low carbon energy technologies shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter be maintained and shall remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the Council as Planning Authority.

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

19. That prior to the commencement of works, details and locations of electrical car charging points for each house plot shall be submitted for the written approval of the Council as Planning Authority. Prior to the completion of the development the approved charging points shall be installed, available for use and thereafter maintained and replaced where necessary to the satisfaction of the Council.

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

20. 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.

Report

3

Report to: **Planning Committee**
 Date of Meeting: **21 March 2023**
 Report by: **Executive Director (Community and Enterprise Resources)**

Subject **National Planning Framework 4 - Update**

1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ advise the Planning Committee of transitional arrangements for National Planning Framework 4 that have been published by the Scottish Government
- ◆ summarise the key issues contained within the document and their contribution to future decision making in relation to planning matters

2. Recommendation(s)

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

- (1) that the transitional arrangements for National Planning Framework 4 that have been published by the Scottish Government and the implications for decision making in relation to planning matters be noted.

3. Background

- 3.1. A report was presented to the Planning Committee on 24 January 2023 advising of the approval by the Scottish Parliament of National Planning Framework 4 (NPF4) on 11 January 2023.
- 3.2. NPF4 includes 33 policies on separate topics for the development and use of land which are to be applied in the preparation of local development plans (LDPs); local place plans; masterplans and briefs; and for determining planning applications. All of the policies should be taken and applied as a whole.
- 3.3. NPF4 was formally adopted and published by Scottish Ministers on 13 February 2023. At the same time provisions in the Planning (Scotland) Act 2019 gave NPF4 the status of being part of the statutory development plan alongside Local Development Plans with immediate effect. There is a 6-week period from that date when a legal challenge can be made to the Courts.

4. Transitional Arrangements

4.1. A letter from the Chief Planner and the Minister for Public Finance, Planning and Community Wealth was published on 8 February 2023 which sets out the transitional arrangements for NPF4. A copy of this letter is attached as an appendix to the report. The main implications in terms of the development plan can be summarised as follows:-

- ◆ NPF4 has superseded the previous National Planning Framework 3 and Scottish Planning Policy

- ◆ Strategic Development Plans (SDP) have ceased to have effect and no longer form part of the development plan. The Planning (Scotland) Act 2019 and NPF4 allow local authorities to come together to prepare Regional Spatial Strategies in order to inform the direction of Local Development Plans. Regulations on how they are to be prepared have not been published.
- ◆ Local Development Plans already adopted will continue to form part of the development plan. Existing LDP land allocations will be maintained. Legislation states that in the event of any incompatibility between a provision of NPF4 and a provision in an LDP whichever is the later of them is to take precedence.
- ◆ The Act requires planning authorities to prepare a LDP for their area at least every 10 years. The letter from the Chief Planner and Minister advises that it is expected the new style of LDPs introduced under the Act will be in place within around 5 years of the new development plan regulations coming into force. This is anticipated to happen in the Spring.

- 4.2. The letter highlights that the 33 national policies in NPF4 must be read and applied as a whole when assessing applications. Potential conflict between policies can be expected and in such cases the factors for and against development should be weighed before coming to a judgement. It should be noted that the 6 spatial principles described in the previous report to this Committee (Just Transition, Conserving and Recycling Assets, Local Living, Compact Urban Growth, Rebalanced Development and Rural Revitalisation) are to be used in developing the strategy and proposals in Local Development Plans and not applied unilaterally to decision making on planning applications.

5. Next Steps

- 5.1. The adoption of NPF4 forms a significant element of the Scottish Government's reform of the planning system. It seeks to align decision making on planning applications (and the future direction of LDPs) to the wider policy agenda for Scotland. There is a clear expectation that the planning process will contribute to delivering the national outcomes in the National Performance Framework and the UN Sustainable Development Goals. Key themes include radical change to tackle and adapt to climate change, restore biodiversity, improve health and wellbeing, reduce inequalities, build a wellbeing economy and create high quality places.
- 5.2. The adopted South Lanarkshire Local Development Plan 2 is part of the development plan and will continue to have a significant role in decision making. An initial assessment has found that for the majority of themes NPF4 and LDP policies are generally complimentary although there are differences which will become apparent through their application. However, there are several areas in NPF4 where there is no, or very little, policy position in SLLDP2. In these cases the further guidance from the Government will be critical in ensuring the national policies are fully and properly taken into account.
- 5.3. In the longer term, the Government has advised that the regulations for the preparation of Local Development Plans, Open Space Strategies and Play Sufficiency Assessments will be laid before the Scottish Parliament during the Spring and Summer and thereafter approved and published. At this point, work on the preparation of the Council's Local Development Plan 3 will start formally and a report will be brought to this Committee at the time outlining the steps and timescales involved.

6. Employee Implications

- 6.1. The implementation of NPF4 will have implications for officers in the Planning Service in terms of preparing the next Local Development Plan and decision making on planning applications. A number of 'new' issues have been introduced that the

planning system is required to address which will require appropriate skills and knowledge currently unavailable. Equally officers within other Council services will be required to understand any new requirements within the approved NPF4 for their projects and strategies.

7. Financial Implications

- 7.1. The costs of the preparation and production of the next Local Development Plan and Open Space Strategy/Play Sufficiency Assessment will be expected to be met from existing budgets. However, while the increase in planning fees introduced in April 2022 are intended to achieve full cost recovery for the planning application process, this fails to address the need to deliver the aims and ambitions of NPF4 and the next Local Development Plan / Open Space Strategy. This is a matter that is subject to separate discussion between CoSLA, Heads of Planning Scotland and Royal Town Planning Institute and the Scottish Government.

8. Climate Change, Sustainability and Environmental Implications

- 8.1. The theme of tackling the Global Climate Emergency, meeting the Scottish Government's targets for net zero emissions and the promotion of sustainable developments are central to the spatial strategy in NPF4 and, in turn, through the preparation of the Council's next Local Development Plan and in decision making on planning applications.

9. Other Implications

- 9.1. Once adopted NPF4 will form the Development Plan for the Council as Planning Authority alongside its adopted SLLDP2. It will be a material consideration for determining all planning applications while the next Local Development Plan must accord with it. Where there is conflict between NPF4 and SLLDP2 the former will be given priority.

10. Equality Impact Assessment and Consultation Arrangements

- 10.1. The original consultation on the draft NPF4 and the revised draft subsequently approved by the Scottish Parliament were subject to Equalities Impact Assessment, Child Rights and Wellbeing and a Fairer Scotland Duty Assessment.

- 10.2. Consultation by the Council is not required.

David Booth

Executive Director (Community and Enterprise Resources)

10 March 2023

Link(s) to Council Values/Priorities/Outcomes

- ◆ Good quality, suitable and sustainable places to live

Previous References

- ◆ Planning Committee – National Planning Framework 4 – 24 January 2023

List of Background Papers

- ◆ Planning (Scotland) Act 2019
- ◆ National Planning Framework 4 approved by Scottish Parliament on 11 January 2023
- ◆ Letter from Chief Planner and the Minister for Public Finance, Planning and Community Wealth dated 8 February 2023

Contact for Further Information

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

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8 February 2023

Dear Colleague

Transitional Arrangements for National Planning Framework 4

Following the approval by the Scottish Parliament of National Planning Framework 4 (NPF4) on 11 January 2023, the following provides advice on NPF4 becoming part of the statutory 'development plan' alongside local development plans (LDPs). We intend for this advice to support consistency in decision making ahead of new style LDPs being in place.

The Development Plan

In Scotland, the planning system is plan-led. From 13 February, on adoption and publication by Scottish Ministers, NPF4 will form part of the statutory development plan, along with the LDP applicable to the area at that time and its supplementary guidance. NPF4 will supersede National Planning Framework 3 and Scottish Planning Policy (SPP) (2014). NPF3 and SPP will no longer represent Scottish Ministers' planning policy and should not therefore form the basis for, or be a consideration to be taken into account, when determining planning applications on or after 13 February.

On 13 February, Strategic Development Plans (SDP) and associated supplementary guidance will cease to have effect and as such no longer be part of the development plan.

LDPs already adopted will continue to be part of the development plan. For avoidance of doubt, existing LDP land allocations will be maintained.

LDPs within SDP areas will no longer be required to be consistent with the SDP. For proposed LDPs prepared prior to the adoption and publication of NPF4, it may be that there are opportunities to reconcile identified inconsistencies with NPF4 through the examination process. However there are clear limitations to this. The scope of an examination is limited to issues raised in representations and the process must remain proportionate and fair.

Whether an LDP has been adopted prior to or after the adoption and publication of NPF4, legislation states that in the event of any incompatibility between a provision of NPF and a

provision of an LDP, whichever of them is the later in date is to prevail (Town and Country Planning (Scotland) Act 1997 ("the 1997 Act"); section 24(3)).

Across Scotland there is a substantial amount of supplementary guidance associated with SDPs and LDPs. Supplementary guidance associated with SDPs will no longer have effect following adoption and publication of NPF4 on 13 February. Supplementary guidance associated with LDPs which was in force before 12 February (the date on which section 13 of the 2019 Act comes into force) will continue to be in force and be part of the development plan (1997 Act; paragraph 2 of schedule 1).

As the development plan system transitions to one without statutory supplementary guidance, the Planning (Scotland) Act 2019 (Commencement No.11 and Saving and Transitional Provisions) Regulations 2023 provide for local authorities to continue to prepare and adopt supplementary guidance associated with LDPs until 31 March 2025. Supplementary guidance adopted under those provisions is to be treated as forming part of the development plan for the area to which the LDP relates.

The provisions of section 16(1)(a) of the 1997 Act require planning authorities to prepare a new LDP for their area at intervals of no more than 10 years or whenever required to do so by the Scottish Ministers. It will be important for the first round of 'new style' LDPs to be prepared in a timely fashion. We expect that every planning authority in Scotland will have a new style plan in place within around 5 years of the new development plan regulations coming into force, which we anticipate happening this spring.

Legislation provides for planning authorities to prepare LDPs that include policies and proposals for development and use of land in their area. There is no legal requirement for LDPs to be directly 'compatible' with NPF4, although in preparing LDPs, there will be a statutory requirement under section 16(2)(a)(i) of the 1997 Act that planning authorities take the NPF into account.

Applying NPF4 Policy

Section 25 of the 1997 Act requires that decisions are made in accordance with the development plan unless material considerations indicate otherwise. Application of planning judgement to the circumstances of an individual situation remains essential to all decision making, informed by principles of proportionality and reasonableness.

It is important to bear in mind NPF4 must be read and applied as a whole. The intent of each of the 33 policies is set out in NPF4 and can be used to guide decision-making. Conflicts between policies are to be expected. Factors for and against development will be weighed up in the balance of planning judgement.

It is recognised that it may take some time for planning authorities and stakeholders to get to grips with the NPF4 policies, and in particular the interface with individual LDP policies. As outlined above, in the event of any incompatibility between a provision of NPF and a provision of an LDP, whichever of them is the later in date is to prevail. Provisions that are contradictory or in conflict would be likely to be considered incompatible.

We expect that monitoring of the policies will particularly focus on new and developing policy areas, so that their application in practice can inform future guidance.

Below we have set out some more specific advice on individual policies.

Policy 1 – Tackling the climate and nature crises

This policy prioritises the climate and nature crises in all decisions. It should be applied together with the other policies in NPF4. It will be for the decision maker to determine whether the significant weight to be applied tips the balance in favour for, or against a proposal on the basis of its positive or negative contribution to the climate and nature crises.

Policy 2 - Climate mitigation and adaptation

There is currently no single accepted methodology for calculating and / or minimising emissions. The emphasis is on reducing emissions as far as possible, rather than eliminating all emissions.

At this stage, quantitative assessments are not expected for all applications and there are no defined thresholds that require different levels of information at this stage. Planning authorities will be aware that this is unlikely to be a key consideration for many applications, for example for smaller scale developments, householder applications or many changes of use. However, for other types of development proposals that may generate significant emissions, such as some national or major developments, we consider it to be reasonable to expect quantitative information to be provided. For developments that require an Environmental Impact Assessment (EIA), the impact of the project on climate (e.g. the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change will have been considered as appropriate in the EIA Report. See [Circular 1/2017](#) for further information.

Last year the Scottish Government published [carbon management guidance for projects and programmes](#). Whilst this is aimed at larger scale projects within city region and growth deals and a fully quantified approach is only likely to be proportionately applicable to larger scale proposals, at least whilst practice and methodologies develop over the coming years, the guidance includes useful information and highlights established methodologies which may be of assistance to applicants and planning authorities. Published research on the Lifecycle Greenhouse Gas Emissions of NPF4 Proposed National Developments¹, also offers an example of a high-level approach to identifying direct and indirect effects of proposals on GHG emissions which can be embedded into statutory Environmental Assessment obligations.

Policy 3 - Biodiversity

To support this policy in practice, NatureScot previously consulted on new 'Developing with Nature guidance' to accompany NPF4 Biodiversity policy 3c), which is to be applied to certain local development. A final version of the guidance will be available shortly. We are committed to developing guidance to accompany wider NPF4 policy 3, and – recognising that currently there is no single accepted methodology for calculating and / or measuring biodiversity 'enhancement' – we have commissioned research to explore options for developing a biodiversity metric or other tool, specifically for use in Scotland. There will be some proposals which will not give rise to opportunities to contribute to the enhancement of biodiversity, and it will be for the decision maker to take into account the policies in NPF4 as a whole, together with material considerations in each case.

¹ [National Planning Framework 4 - lifecycle greenhouse gas emissions: assessment findings - gov.scot \(www.gov.scot\)](#)

Policy 16 - Quality homes

NPF4 sets out a distinct, new approach to planning for new homes across Scotland that aims to deliver more quality homes that meet diverse needs. Policy 16, Quality Homes, promotes a plan-led approach.

New style LDPs must include targets for meeting the housing needs of people living in the area, this is referred to in NPF4 as the "Local Housing Land Requirement" (LHLR)². The LHLR will be informed by the Evidence Report and Gate Check process. It is expected that the LHLR will exceed the Minimum All-Tenure Housing Land Requirements (MATHLR) set out in NPF4.

Proposed Plans will allocate sites to meet the LHLR and, in doing so, we expect there to be greater emphasis on delivery. Policy 16 looks to incentivise delivery of allocated sites, as they will have been considered and agreed through the comprehensive and participative LDP preparation process. If an LDP reaches Examination without sufficient sites identified to meet the LHLR, a planning authority can be required to prepare another Proposed LDP under new legislative provisions in section 19ZA of the 1997 Act.

Once adopted, the delivery of new style LDPs will be monitored and supported through the Housing Land Audit and the LDP Delivery Programme. New guidance on Housing Land Audits will be prepared this year, in collaboration with key stakeholders. The new guidance will seek to ensure a consistent approach is adopted in the preparation of new Housing Land Audits. If needed, collaboration on the LDP Delivery Programme can assist in early consideration of bringing forward longer term sites.

Policy 16 is applicable to decision making when NPF4 becomes part of the statutory development plan. As outlined above, SPP(2014) will be superseded and not form part of Scottish Government planning policies, including: the requirement to maintain at least a 5 year supply of effective housing land at all times, shortfalls in supply indicating LDP policies are not up-to-date, the 'presumption in favour of development that contributes to sustainable development' and the concept commonly known as the 'tilted balance'. Consideration must be given as to whether provisions in LDPs are incompatible with provisions of NPF4. Where there is an incompatibility, such as between a housing exceptions policy in an LDP and Policy 16(f) of NPF4, the latter will prevail.

Policy 23 - Health and safety

We understand that there were some concerns about references within NPF4 to suicide risk, including recognition that LDPs should be informed by awareness of locations of concern for suicide. We would draw your attention to [Creating Hope Together \(Scotland's Suicide Prevention Action Plan 2022-2025\)](#) which was published last year by the Scottish Government together with COSLA. This recognises the importance of the National Planning Framework in reflecting the role of planning in suicide prevention. Further resources are referenced in the action plan and have been produced by Public Health Scotland.

²NPF4: Annex F provides the Local Housing Land Requirement means "The amount of land required for housing, as identified by the local development plan. The Local Housing Land Requirement (LHLR) is expected to exceed the 10 year Minimum All-Tenure Housing Land Requirement (MATHLR) set out in the National Planning Framework"

It may also be useful to see [guidance](#) produced by the Welsh Government, which emphasises a pragmatic approach, suggests that suicide prevention should ideally be built into the design of projects and should be compatible with creation of good places. It also references further available practical advice on this.

Policy 27(d) - Drive through developments

During the Parliamentary scrutiny of the draft NPF4, there was some debate about the meaning and application of Policy 27(d), which states that “drive-through developments will only be supported where they are specifically supported in the LDP”. The intention of this policy was to ensure that this type of development is considered as an integral part of the wider development plan, and is not (as has been erroneously reported) a moratorium or ban on such developments.

In applying policy 27(d) and whether such developments are supported, planning authorities may regard wider uses that are compatible with the drive through function to be included, as there is no single class of development that this relates to and may sometimes be considered as *sui generis*. Suitable locations may include for example those allocated for Class 1 shops or Class 3 Food and drink, depending on the nature of the proposal involved in each case. In looking at the potential impact of the development as a whole, as always, decisions will depend on the facts and circumstances of each individual case and regard should be given to wider policies within NPF4, including those relating to reducing emissions that contribute to climate change and to wider policies that aim to improve town centres and support local living.

Looking forward, we will include guidance on drive throughs and the relationship to Policy 27(d) within the forthcoming local development plan guidance, which will be published this spring to support implementation of the new arrangements for LDPs.

Further Planning Guidance and Advice

In the NPF4 Delivery Programme, we have given our commitment to progress work on a new suite of guidance and advice that will support activity to deliver the policy intent of NPF4. We will do this alongside careful monitoring of the implementation of policies. With some substantial changes being made through the reform of our planning system, both through legislation and in NPF4, there will now be some discrepancies in existing planning guidance and advice as a result. Nevertheless, there will remain aspects which will still be useful for reference through the new planning system and policy approach. Over time, we will review that historic advice as appropriate.

Yours faithfully



Dr Fiona Simpson
Chief Planner



Tom Arthur
Minister for Public Finance, Planning
and Community Wealth

Report

4

Report to:	Planning Committee
Date of Meeting:	21 March 2023
Report by:	Executive Director (Community and Enterprise Resources)

Subject	Changes to General Permitted Development Rights and Use Classes Order - Update
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1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ advise the Planning Committee of changes to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 and the Town and Country Planning (Use Classes) (Scotland) Order 1997)
- ◆ summarise the key changes contained in the revised Orders

2. Recommendation(s)

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

- (1) that the changes to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 and the Town and Country Planning (Use Classes) (Scotland) Order 1997) be noted.

3. Background

- 3.1. The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (GPDO) grants planning permission for specific types of development without a planning application having to be submitted. These grants are known as permitted development rights.
- 3.2. The Town and Country Planning (Use Classes) (Scotland) Order 1997 (UCO) groups together various land uses into separate use classes. Changes of use within a single class do not constitute development for planning purposes and so planning permission is not required.
- 3.3. The Scottish Government has been carrying out a review of Permitted Development Rights (PDR) as part of their wider planning reform programme. Phase 2 of this review focusses on measures to help support the following:-
- ◆ The rollout of electric vehicle (“EV”) charging infrastructure
 - ◆ The resilience and recovery of city, town and local centres
 - ◆ Operational development at Scottish ports

The changes in terms of the first two items are detailed below.

4. Electric Vehicle Charging Infrastructure

- 4.1. Changes to existing planning controls on EV charging infrastructure reflects the role electric vehicles can play in helping to address climate change; the substantial growth in EV ownership that is forecast in the coming years; and the increased need for charging equipment (including larger high power chargers) associated with forecasted levels of EV ownership.
- 4.2. At present the GDPO includes PDR for wall mounted EV charging points and charging upstands. The changes to be introduced amend those PDR as well as introducing new PDR for solar canopies for EV charging. The changes are summarised below:-
- ◆ Current limitations in specified areas such as Conservation Areas and World Heritage sites are removed so that in future the new PDR will apply.
 - ◆ An increase in the height of upstands from 1.6m to 2.7m although this will not apply within the curtilage of a dwellinghouse or of a building containing a flat or flats. The current restriction on upstands within 2 metres of a road, and those which would result in more than one upstand being provided for each parking space will continue to apply.
 - ◆ Restrictions on the size, location and illumination of nameplates on wall mounted chargers and upstands are removed.
 - ◆ New PDR for solar canopies, whose primary purpose is EV charging, and battery storage and equipment (including equipment housing) necessary for the support of a solar canopy are introduced. However, there are restrictions in terms of how close the structure would be to a road (5m); the height (4m) and, in the case of battery storage, its volume (29 cu m).

The Councils approved Supporting Planning Guidance on Electric Vehicle Charging applies to new development.

5. Resilience and Recovery of Centres

- 5.1. New measures are being introduced to provide greater flexibility in the use of buildings and outdoor spaces to help promote the resilience, regeneration and recovery of Scotland's centres. The changes are summarised below:-
- ◆ A new Use Class is introduced which combines the previously separate class 1 (shops) and class 2 (financial, professional and other services) into a single use class (1A). Previously changing between class 1 and class 2 needed planning permission but that will no longer be the case.
 - ◆ A change of use from the new class 1A to class 3 (food and drink) will be permitted without the need for a planning application as will the change of use of a betting shop, pay day loan shop and hot food takeaway to class 3. However, this does not apply where this would result in the change of use of a unit below any part of a dwelling or within 1m of a dwelling.
 - ◆ The change of use from a use within class 1A, class 3 or from a betting shop, pay day loan shop and hot food takeaway to class 4 (business) will not require planning permission. This is intended to provide for new small scale workspaces in town centres. However, this provision only applies where the building unit is less than 300 sq m.

- ◆ The placing of furniture on a public road (including the pavement) in order to sell or serve food and drink will not require planning permission where this is adjacent to a class 3 use or a pub or bar. A Road Occupation Permit will be required separately from the Council as Roads Authority under the Roads (Scotland) Act 1984. In addition, the relevant licensing controls will also continue to apply so that premises which sell alcohol for on-sales need to have outdoor drinking as an approved activity in their operating plan, and the area to be used must be defined in the layout plan.

6. Next Steps

- 6.1. The changes described above will come into force on 31 March 2023. The changes relating to town and local centres will allow movement between compatible uses to be carried out without the need for planning permission. However, the Council will be able to operate controls through roads legislation and licencing provisions.

7. Employee Implications

- 7.1. The changes will have no impact on staff resources.

8. Financial Implications

- 8.1. There are no financial implications resulting from the changes described in the report.

9. Climate Change, Sustainability and Environmental Implications

- 9.1. The changes are intended to help deliver the Scottish Government's wider policy objectives in terms of tackling the climate emergency. In addition, the Scottish Government has carried out a Sustainability Appraisal which allowed the environmental, social and economic effects of the changes to be considered.

10. Other Implications

- 10.1. The changes being introduced by the Scottish Government are required to be implemented by planning authorities. The Council can continue to manage the changes in relation to outside hospitality through other legislation at its disposal.

11. Equality Impact Assessment and Consultation Arrangements

- 11.1. An Equalities Impact Assessment, Child Rights and Wellbeing Impact Assessment and a screening for a Fairer Scotland Duty Assessment has been carried out by the Scottish Government.

- 11.2. Consultation by the Council is not required.

David Booth

Executive Director (Community and Enterprise Resources)

28 February 2023

Link(s) to Council Values/Priorities/Outcomes

- ◆ Good quality, suitable and sustainable places to live

Previous References

- ◆ None

List of Background Papers

- ◆ The Town and Country Planning (General Permitted Development and Use Classes)(Scotland) Miscellaneous Amendment Order 2023. Planning (Scotland) Act 2019

Contact for Further Information

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

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Report

5

Report to: **Planning Committee**
 Date of Meeting: **21 March 2023**
 Report by: **Executive Director (Community and Enterprise Resources)**

Subject **Review of Legacy Planning Applications**

1. Purpose of Report

1.1 The purpose of the report is to:-

- ◆ advise the Committee of planning applications which they had agreed to approve but for which consents have not yet been issued due to delays or failures to complete the associated Planning Obligations
- ◆ seek Committee approval to deal with these planning applications as recommended in Appendix 1

2. Recommendation(s)

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

- (1) that, in respect of each of the planning applications listed in Appendix 1, the Committee approve the recommendations and associated reasons.

3. Background

- 3.1 Section 75 of the Town and Country Planning (Scotland) Act 1997 allows Planning Authorities to control and manage development by concluding legal agreements which place Obligations on the applicant and/or landowner. In these cases, the issue of consent is withheld until a legal agreement is concluded and registered against the landowner's title deeds.
- 3.2 A Planning Obligation can relate to a number of matters such as the control of off-site road works, provision of affordable housing or a financial contribution towards recreational or educational provision. Whilst it is anticipated that action to agree and execute a Planning Obligation would be undertaken reasonably quickly, there are instances where delays occur.
- 3.3 The Scottish Government expects local developments and major developments to be determined within 2 months and 4 months respectively. Planning application reports to committee that require a Planning Obligation to be concluded before a decision is issued state that, should there be no significant progress towards the conclusion of the Planning Obligation within 6 months of the date of the Committee, the proposed development may be refused on the basis that, without the planning control/developer contribution which would be secured by the Planning Obligation, the proposed development would be unacceptable.

- 3.4 This is to ensure the final stage in the application process, that of issuing consent, is not markedly beyond the date on which the Committee has made its decision to grant permission, and that the Planning Obligation remains relevant.
- 4. Current Applications with Outstanding Legal Agreements**
- 4.1 Recently, the Planning Service has carried out a review of legacy planning applications (i.e. those planning applications that are over a year old) where the application has been granted by Committee subject to the Planning Obligation but the Planning Obligations have not been concluded. The applicants and agents of those applications, where little or no progress has been made, have been contacted in order to seek the conclusion of this matter and allow the decision notice to be issued.
- 4.2 From this review there are currently 3 applications where a Planning Obligation has been deemed necessary and where it is considered there has been little progress made. Given the lengthy delays that have occurred, and despite repeated approaches from Planning, it seems unlikely that these planning applications will be concluded in the near future, if at all. These circumstances lead to uncertainty and have an adverse impact on Council Performance. The relevant applications are detailed in Appendix 1 which is attached to this report.
- 4.3 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 (SLLDP), 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. In this instance both Policy 18 in NPF4 and Policy 7 in SLLDP2 supporting the requirement for planning obligations where the impact of development proposals on infrastructure are required to be mitigated. The policy approach is therefore consistent.
- 4.4 In order to determine each of the relevant applications, Committee is requested to approve the recommendations contained in Appendix 1.
- 4.5 It is noted that NPF4 has not introduced any policy implications that, in relation to these three applications, would be in conflict with the original recommendations made to Committee and as such no additional reasons for refusal other than those relating to the Planning Obligation are recommended.
- 5. Employee Implications**
- 5.1 There are no employee implications. Any work undertaken can be met from existing resources.
- 6. Financial Implications**
- 6.1 None.
- 7. Climate Change, Sustainability and Environmental Implications**
- 7.1 The planning system will have an increasingly key role in addressing the climate change agenda. Investing additional income in resources within the planning service will contribute to meeting these aims.
- 8. Other Implications**
- 8.1 There would be a reputational risk if this was not undertaken as this action has previously been specified in the Council's Planning Performance Framework.

9. Equality Impact Assessment and Consultation Arrangements

- 9.1 The content of this report is not relevant to the Council's equalities duties and, therefore, no impact assessment is required.
- 9.2 Consultation has been carried out with applicants and agents as outlined at paragraph

David Booth

Executive Director (Community and Enterprise Resources)

9 March 2023

Link(s) to Council Values/Priorities/Outcomes

- ◆ Accountable, effective, efficient and transparent
- ◆ Ambitious, self-aware and improving

Previous References

- ◆ Planning Committee report on application P/20/1847 – 10 August 2021
- ◆ Planning Committee report on application P/21/0739 – 29 March 2022
- ◆ Planning Committee report on application HM/15/0487 – 26 April 201

List of Background Papers

- ◆ None

Contact for Further Information

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

James Wright, Team Leader, Floor 6, Council Offices, Almada Street, Hamilton, ML3 0AA

Phone: 07551 839 698

Email: james.wright@southlanarkshire.gov.uk

Appendix 1

Application No:	P/20/1847
Proposal:	Erection of residential (over 55's community) dwellings, 60 bedroom care home, associated onsite commercial centre and leisure facilities, and associated roads, access, landscaping, open space, parking and supporting infrastructure (Planning Permission in Principle)
Site Address:	Kersewell Mains Farm, Kersewell
Applicant:	Lannraig Wellbeing Resort Ltd
Date of Committee Approval:	10 August 2021

Background

Application presented to Committee in August 2021. Resolved to issue consent subject to a Planning Obligation in respect of the following matters being concluded between the applicant and the Council:

- ◆ A phasing plan to ensure that the residential dwellings are built in tandem with the associated leisure resort
- ◆ A restriction on the occupancy of the development by way of ensuring that the dwellings are restricted to at least one occupant of 55 years or more
- ◆ A commuted sum in lieu of onsite affordable housing provision for use within the Clydesdale Housing Area
- ◆ The provision of at least 1.5 hectares of canopy cover through compensatory tree planting
- ◆ The provision of a shuttle bus
- ◆ The provision of a cycle/foot path running along the northern boundary of the site

Apart from the applicant's lawyer establishing initial contact between the Council's Legal Services and Planning, no progress has been made in respect of any of the Planning Obligations requirements. The applicant's agent has been informed that the application is being reported for refusal due to lack of progress and apart from acknowledging this information, no further contact has been received.

Recommendation

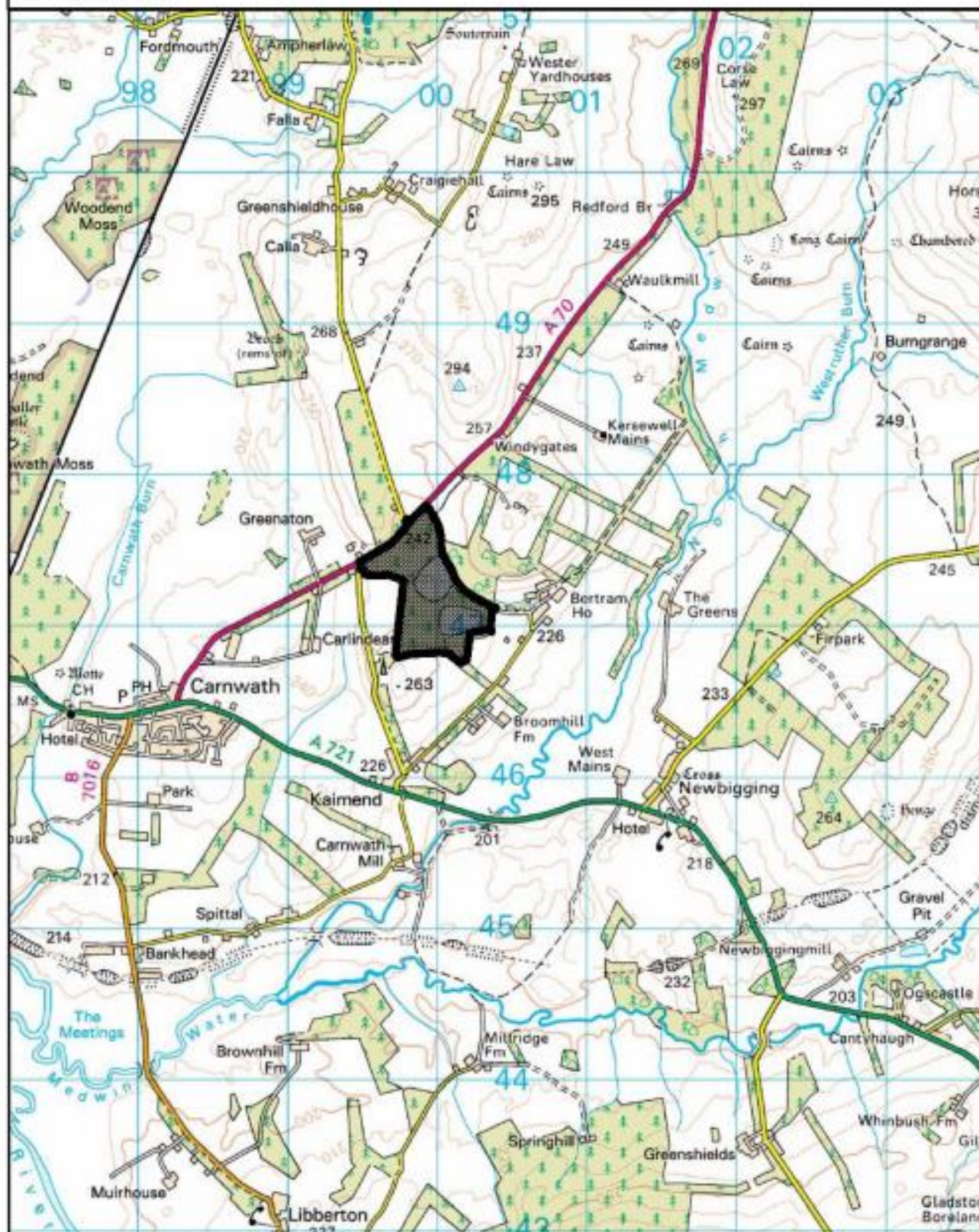
Refuse planning permission in principle.

Reasons for Refusal

The proposal is contrary to the terms of Policies 1, 4, 5, 7, 12, 15, GBRA2, DM21 and NHE13 of the South Lanarkshire Local Development Plan 2 and Supporting Planning Guidance – Community Infrastructure Assessment, as the appropriate contribution towards affordable housing, education provision and the improvement/upgrading of community facilities has not been agreed and formalised through the completion of a Planning Obligation.

P/20/1847

Kersewell Mains Farm



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Scale:
1:35,000
Date:
17/05/2021



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Application No:	P/21/0739
Proposal:	Erection of dwellinghouses, formation of vehicular access, parking and landscaping (Planning Permission in Principle)
Site Address:	Land Adjacent to 129 Main Street, Blantyre
Applicant:	Mr Iain McKillop
Date of Committee Approval:	29 March 2022

Background

The application was presented to the Planning Committee in March 2022. The Planning Committee supported the issue of consent, subject to a planning obligation to ensure payment of a financial contribution towards community facilities.

There has been minimal progress made in concluding the planning obligation as the agent has advised that there is a land ownership issue relating to the site.

Recommendation

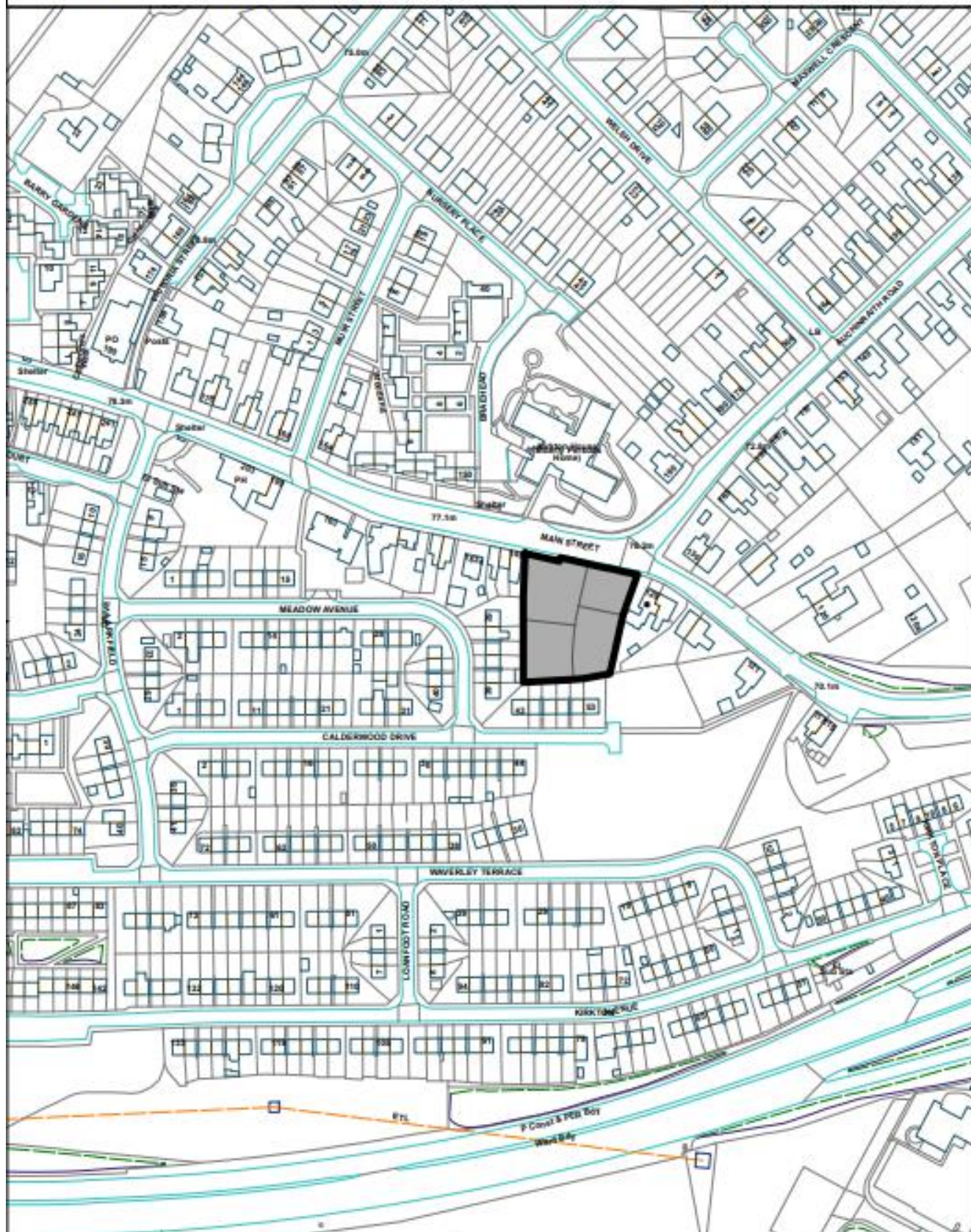
Refuse detailed planning permission.

Reasons for Refusal

The proposal is contrary to the terms of Policy 7 (Community Infrastructure Assessment) of the adopted South Lanarkshire Local Development Plan 2 and Supporting Planning Guidance – Community Infrastructure Assessment as the appropriate contribution towards the improvement/upgrading of community facilities has not been agreed and formalised through the completion of a Planning Obligation.

P/21/0739

Land adjacent to 129 Main Street, Blantyre



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Scale:
1:2,500
Date:
24/02/2023



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Application No:	HM/15/0487
Proposal:	Residential Development (Planning Permission in Principle)
Site Address:	Land at Strathaven Road West Mains Stonehouse ML9 3PA
Applicant:	Premier Bliss
Date of Committee Approval:	26 April 2016

Background

The application was presented to Committee in April 2016. Resolved to issue consent subject to a planning obligation to ensure payment of a financial contribution towards community facilities and in lieu of on-site play facilities, affordable housing and educational facilities.

Whilst initial progress was made concerning the planning obligation there has been little progress since 2018. The same site has subsequently gained planning permission, subject to a planning obligation, at Planning Committee on 13 September 2022 under reference P/22/0851. During the period there has been no progress on the Planning Obligation in relation to the 2016 application.

Recommendation

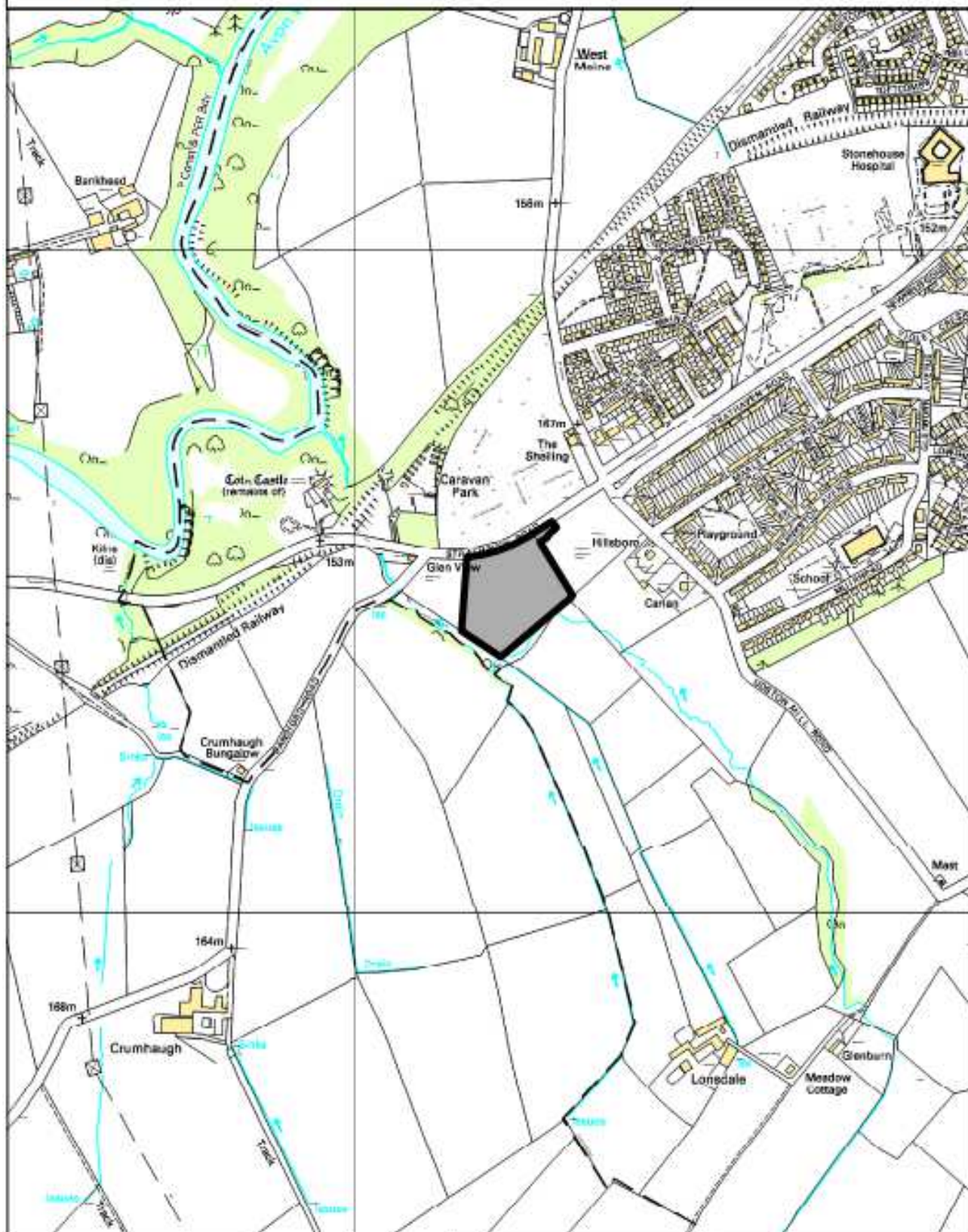
Refuse detailed planning permission

Reasons for Refusal

The proposal is contrary to the terms of Policy 5 (Development Management and Placemaking), Policy 7 (Community Infrastructure Assessment) and Policy 12 (Affordable Housing) of the South Lanarkshire Local Development Plan 2 and Supporting Planning Guidance – Community Infrastructure Assessment as the appropriate contribution towards affordable housing, educational facilities and towards community facilities has not been agreed and formalised through the completion of a Planning Obligation.

HM/15/0487

Land at Strathaven Road, West Mains, Stonehouse



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Scale:
1:8,000
Date:
24/02/2023



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

6

Report to:	Planning Committee
Date of Meeting:	21 March 2023
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/20/0548
Planning proposal:	Demolition of Existing Farm Steading and Erection of Residential Development Comprising 15 Dwellinghouses with Roads, Landscaping and Other Associated Works, Including Stabilisation Works to Gilbertfield Castle

1 Summary application information

Application type:	Detailed planning application
Applicant:	R Taylor and Sons
Location:	Gilbertfield Farm Gilbertfield Road Cambuslang G72 8YW

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.

3 Other information

- ◆ Applicant's Agent: Michal Supron
- ◆ Council Area/Ward: 10 East Kilbride East
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (adopted 2021)**
 Policy 2 - Climate Change
 Policy 4 - Green Belt and Rural Area
 Policy 5 - Development Management and Placemaking
 Policy 14 - Natural and Historic Environment
 Policy 16 - Water Environment and Flooding
 Policy SDCC2 - Flood Risk
 Policy SDCC3 - Sustainable Drainage Systems
 Policy GBRA1 - Rural Design and Development
 Policy GBRA5 - Redevelopment of Previously Developed Land Containing Buildings
 Policy DM1 - New Development Design

Policy DM8 - Enabling Development
 Policy NHE2 - Archaeological Sites and Monuments
 Policy NHE9 - Protected Species

National Planning Framework 4

Policy 2 - Climate mitigation and adaptation
 Policy 7 - Historic assets and places
 Policy 8 – Green Belts
 Policy 9 – Brownfield, vacant and derelict land and empty buildings
 Policy 14 - Design, quality, and place
 Policy 22 – Flood risk and water management

♦ **Representation(s):**

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

♦ **Consultation(s):**

Roads and Transportation Services (Development Management Team)
 Roads and Transportation Services (Flood Risk Management Team)
 Environmental Services
 Countryside and Greenspace
 Historic Environment Scotland
 Halfway Community Council
 Cambuslang Community Council
 Scotland Gas Networks
 West of Scotland Archaeology Service
 The Coal Authority
 SEPA
 Scottish Water

Planning Application Report

1 Application Site

- 1.1 The application site relates to the site of the farm steading at Gilbertfield Farm, located to the south of Cambuslang, the ruins of Gilbertfield Castle, a scheduled monument located to the south of the farm steading and an area of greenfield land that sits between the farm steading and the castle ruins. The existing private access road from Gilbertfield Farm to the public road is also included within the application site boundary. The existing farm steading at Gilbertfield Farm is noted to be in a relatively poor condition, while the castle ruins are noted to be in need of consolidation to avoid further degradation of the remaining structure on site.
- 1.2 The application site, which measures approximately 1.8 hectares in total area, is generally flat throughout. The site is bounded on all sides by greenfield, Green Belt land. A shooting range, operated by Defence Estates, is located approximately 400 metres to the east/south-east of the proposed development site. Vehicular and pedestrian access to the site is taken via a private single track access road which leads from the farm steading to Gilbertfield Wynd and connects thereafter onto Cairns Road/Gilbertfield Road in Cambuslang.

2 Proposal(s)

- 2.1 Detailed planning permission is sought to remove the existing steading at Gilbertfield Farm in its entirety, including the farmhouse, and to erect 15 detached dwellinghouses with associated works on both the site of the steading and the greenfield land located to the south of the steading between the farm buildings and the castle ruins. As part of the works stabilisation works to the castle ruins are also proposed, which would be enabled by the proceeds of the adjacent residential development of the steading area and adjoining greenfield land.
- 2.2 Vehicular access to the site would be taken utilising the existing single track access to the site from the north, which would be upgraded as part of the proposed development. A pedestrian connection would also be put in place, situated alongside the vehicular access to the site.

3 Background

3.1 National Policy

- 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. With regard to this application Policy 8 – Green Belts is considered to be of particular relevance, while Policies 2, 7, 9, 14 and 22 of the document are also of relevance in this case. The proposals are considered in relation to the provisions of NPF4 in Section 6 below.

3.2 Local Plan Status

- 3.2.1 The application site is designated as Green Belt land in the South Lanarkshire Local Development Plan 2 (adopted 2021) given the location of the site in the Green Belt to the south of Cambuslang. As such, Policy 4 – Green Belt and Rural Area is of relevance to the application. The following Local Development Plan policies are also considered to be of relevance to the application:-

- ♦ Policy 2 - Climate Change
- ♦ Policy 5 - Development Management and Placemaking
- ♦ Policy 14 – Natural and Historic Environment
- ♦ Policy 16 – Water Environment and Flooding
- ♦ Policy SDCC2 – Flood Risk
- ♦ Policy SDCC3 – Sustainable Drainage Systems

- ♦ Policy GBRA1 – Rural Design and Development
- ♦ Policy GBRA5 – Redevelopment of Previously Developed Land Containing Buildings
- ♦ Policy DM1 - New Development Design
- ♦ Policy DM8 – Enabling Development
- ♦ Policy NHE2 – Archaeological Sites and Monuments
- ♦ Policy NHE9 – Protected Species

3.3 **Planning Background**

3.3.1 There is no previous planning application history of relevance to this planning application.

4 **Consultation(s)**

4.1 **Roads and Transportation Services (Development Management Team)** – Initially raised concerns with regard to the proposed vehicular and pedestrian access to the site, noting that they did not consider the provisions put forward to be appropriate for a development at the scale and location proposed. Further to discussions between the Planning Service, the Roads Service and the applicants revised proposals were put forward for consideration. However, following a detailed assessment of these proposals, the Roads Service retained the view that both the vehicular and pedestrian access proposals brought forward were not acceptable for a development at the scale and location proposed. They also requested the provision of further details to allow additional assessment of the proposals to be undertaken. However, these additional details have not been provided by the applicants who have stated their view that the details and provisions brought forward to date are sufficient in this instance. It is therefore considered necessary and appropriate for the application to be determined based on the details brought forward to date.

Response: Noted. It is being recommended that planning permission is refused for this proposed development for a number of reasons, including that the vehicular and pedestrian access proposals brought forward are not considered to be acceptable and that further information requested in respect of the proposals has not been provided.

4.2 **Roads and Transportation Services (Flood Risk Management Team)** – noted the details submitted in respect of the site but requested that a decision be deferred until further requested details were provided by the applicants. To date these details have not been provided to the satisfaction of the Flood Risk Management Team and therefore they remain unsatisfied with the proposals as put forward at this time.

Response: Noted.

4.3 **Environmental Services** – initially raised concerns with regard to the contents of the Noise Impact Assessment report produced in relation to the site, with particular regard to the potential noise impact on residential properties within the proposed development caused by the nearby firing range located to the east/south-east of the site. Following further discussions and the introduction of proposals to provide additional noise attenuation adjacent to the firing range, Environmental Services confirmed their satisfaction with the proposals, subject to the provision of the attenuation measures in accordance with the proposals put forward.

Response: Noted. Although the noise attenuation proposals brought forward satisfy the requirements of the Council's Environmental Services, given their location outside of the application site boundary it would be necessary for the implementation of the proposed measures to be ensured through a legal agreement or other appropriate mechanism, as a planning condition would be unlikely to ensure the implementation of the measures in this case. It is noted that no such mechanism is in place at this time to ensure that the noise attenuation measures are provided in accordance with the details provided to Environmental Services.

- 4.4 **Countryside and Greenspace** – no comments.
Response: Noted
- 4.5 **Historic Environment Scotland** – did not object to the proposals but recommended that consolidation of the castle should be secured by a Section 75 agreement.
Response: Noted. It should be noted that there is not a Section 75 agreement currently in place in respect of the proposed works associated with the consolidation of the castle.
- 4.6 **Halfway Community Council** – confirmed their support for the application in its entirety.
Response: Noted.
- 4.7 **Cambuslang Community Council** – confirmed that they wished to object to the proposal due to the potential impact of the proposed residential development on the setting of the castle, the potential impact of the development on the nearby shooting range and the potential impact of the shooting range on the amenity of the residents of the proposed development.
Response: Noted.
- 4.8 **Scotland Gas Networks** – no comments.
Response: Noted.
- 4.9 **West of Scotland Archaeology Service** – requested that additional visualisations be provided illustrating the degree to which the existing setting of the castle, as a scheduled monument, would be altered by the development. In the event that planning permission was granted for the development they also requested that a condition be attached to any consent issued to secure the completion of a programme of mitigation and monitoring work, with the agreed mitigation measures being in place in advance of any demolition work being undertaken on site.
Response: Noted.
- 4.10 **The Coal Authority** – offered no objections to the proposed development.
Response: Noted.
- 4.11 **SEPA** – initially objected to the proposals based on flood risk and foul drainage grounds. However, following the submission of additional information by the applicants they subsequently withdrew their objection to the proposals.
Response: Noted.
- 4.12 **Scottish Water** – 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 for neighbour notification purposes and as Development Contrary to the Development Plan. Five letters of representation were received in respect of the proposed development comprising four letters of objection and one letter of comment. The points raised are addressed below:-

- a) **The proposed development could add to flooding issues locally as the stream that runs alongside the access road already floods during heavy rain.**

Response: It is noted that information relating to flood risk has been provided as part of the application, but that the Flood Risk Management Team has advised that insufficient information has been provided to satisfy them in this regard. As such, it is considered necessary for planning permission to be refused for the proposed development in this instance due to the provision of insufficient information relating to flood risk, as well as for other reasons as set out in Section 6 below.

- b) **The access road is not of an appropriate standard for the additional traffic that the development would generate.**

Response: It is noted that the proposed development includes provisions for the improvement of the access road serving the site. However, following a detailed assessment, the Roads Service has advised that, allowing for the proposed improvements, the access road as proposed would remain insufficient for the scale of development that is proposed in this case and as such would create a road safety and accessibility issue for residents of the proposed development. It is therefore considered necessary for planning permission to be refused for the proposed development in this instance for road safety and accessibility reasons, as well as for other reasons as set out in Section 6 below.

- c) **There are insufficient pedestrian facilities to accommodate the additional pedestrian movements that the proposed development would generate.**

Response: It is noted that the applicants have proposed to provide a pedestrian footpath as part of the proposed development of the site. However, following a detailed assessment, the Roads Service has advised that the proposed footpath would not be fully contained within the planning application site boundary and as such, its implementation on site would not be appropriately secured as part of the planning application process. Taking account of this and also noting that the proposed vehicular access to the site would also not meet the required standards, it is considered necessary in this instance for planning permission to be refused for the development on road safety and pedestrian safety grounds, as well as for other reasons as set out in Section 6 below.

- d) **Concerns have been raised as to who would maintain the access road to the development.**

Response: Given that the access road as proposed would not be constructed to an adoptable standard, responsibility for its maintenance would fall to the owners of the properties within the proposed development. As noted above, the access to the development as proposed would create a road safety and accessibility issue for residents of the proposed development and does not adhere to Council planning policy relating to access and road safety in this instance.

- e) **The proposed development would add to the already excessive levels of traffic in the local area.**

Response: The writer's comments are noted. In this case the view is taken that, given that the access proposals relating to the proposed development do not meet Council requirements, the proposed development would create an unacceptable road and pedestrian safety impact in this case.

- f) **Insufficient information has been provided to ensure that the upgrade works to the access can be suitably undertaken. In particular, it is noted that elements of the works would take place on land outwith the applicants' ownership.**

Response: The writer's comments are noted and it is also noted that similar concerns have been raised by the Roads Service with regard to the proposed access to the development. Additional information in the form of cross-sections of the road access were requested, but not provided, while it has been identified that a section of the footpath would require to be constructed on land outwith the applicants' ownership. As such, it has been determined that the proposed access arrangements do not meet Council requirements with regard to road and pedestrian safety. For this reason, as well as the others set out in Section 6 below, it is considered necessary for planning permission to be refused for the development in this instance.

- g) **Insufficient information has been provided with regard to the proposed road drainage associated with the proposed development.**

Response: It is noted that the Flood Risk Management Team has advised that insufficient information has been provided to satisfy them in this regard. As such, it is considered necessary for planning permission to be refused for the proposed development in this instance due to the provision of insufficient information relating to flood risk and drainage, as well as for other reasons as set out in Section 6 below.

- h) **The farm buildings may contain fragments from Gilbertfield Castle, which is a scheduled monument. It should be ensured, in conjunction with WoSAS, that these are retained.**

Response: This matter was identified by WoSAS as part of their consultation response to the planning application. In this regard they requested that, if consent was to be granted for the development, a condition be attached to any consent issued to secure the completion of a programme of mitigation and monitoring work, with the agreed mitigation measures being in place in advance of any demolition work being undertaken on site. In the event that planning permission was recommended to be approved for the development, the Planning Service would have sought to include this condition as part of any consent issued. However, for the reasons set out in Section 6 below, it is considered necessary for planning permission to be refused for the development in this instance.

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

6 Assessment and Conclusions

6.1 Detailed planning permission is sought to remove the existing steading at Gilbertfield Farm, including the farmhouse, and to erect 15 detached dwellinghouses on both the site of the steading and on greenfield land located to the south of the steading between the farm and the ruins of Gilbertfield Castle, a scheduled monument. As part of the proposed development stabilisation works to the castle ruins are also proposed, which would be enabled by the proceeds of the residential development of the steading area and adjoining greenfield land. The proposed development requires to be considered against the relevant provisions of the South Lanarkshire Local Development Plan 2 (adopted 2021) and against National Planning Framework 4.

6.2 The application site is located within an area designated as Green Belt land under Policy 4 – Green Belt and Rural Area of the Local Development Plan. Policy 4 states that the Green Belt shall primarily function for agricultural, forestry and recreational

uses, with other developments such as residential uses restricted to specific locations where appropriate justification can be provided in accordance with supporting Local Development Plan policies. One such policy, Policy GBRA5 - Redevelopment of Previously Developed Land Containing Buildings is of relevance in this instance, given that part of the development relates to the redevelopment of a farm steading.

- 6.3 Policy GBRA5 requires that, in cases where it is proposed to demolish and redevelop sites in the Green Belt, new buildings shall generally occupy the same position on the site as those that are to be replaced. However, in this case, the proposed development would extend significantly to the south of the existing built footprint towards the castle ruins and would therefore include the development of a significant area of previously undeveloped greenfield land in the Green Belt. As such, the proposals would not comply with the provisions of Policy GBRA5.
- 6.4 In this regard, the applicants have sought to justify the development of the additional greenfield land on the basis that the proceeds of the development would be utilised to secure the stabilisation of the castle ruins. In this regard Policy DM8 – Enabling Development makes provision for small scale residential development to be undertaken to fund works to a historical asset, such as a scheduled monument. However, in order to be considered acceptable, a full financial breakdown of the proposed works requires to be provided to satisfactorily demonstrate that any new development shall be the minimum necessary to bridge any gap in funding to achieve the works required. Thereafter, an appropriate legal obligation would be required to be entered into to control the phasing of the works to the historical asset in relation to the proposed dwellings.
- 6.5 In this case, while some financial details have been provided in respect of the proposed works and the contribution the proceeds of the development would make towards the stabilisation of the castle, insufficient detail has been provided to fully ascertain that the development would be the minimum necessary to fund the proposed works and with regard to the timing of the improvement works in relation to the timing of the residential development. Furthermore, the applicants have stated a reluctance to enter into a formal legal agreement in respect of the stabilisation works to the castle as part of the determination of the planning application. In this regard, it is noted that Historic Environment Scotland have advised of the need for a formal Section 75 agreement to be entered into to ensure that the remediation works are undertaken within an appropriate timescale and this is also the position held by the Planning Service. In light of the above, the view is taken that the proposal as set out would not meet the requirements of Policy DM8 and, as such, would also fail to comply with Policies 4 or GBRA5, given that appropriate justification has not been provided in respect of the extension of the proposed residential development beyond the existing built footprint into greenfield, Green Belt land.
- 6.6 With regard to general development management considerations Policies 5 - Development Management and Placemaking and DM1 – New Development Design provide general development management policy and guidance for all new developments and seek to ensure that proposed developments are appropriately designed, sited and accessed and do not have any significant adverse amenity impact. Policy GBRA1 – Rural Design and Development provides similar development management guidance in relation to development in the Green Belt and the rural area. During the assessment of this application the primary matters of concern, in respect of the above noted policies, have related to pedestrian and vehicular access to the site and to potential noise impact arising from the shooting range located to the east/south-east of the application site.

- 6.7 With regard to the noise impact issue, following the submission of a Noise Impact Assessment and further to subsequent discussions between the applicants and the Council's Environmental Services, agreement was reached in relation to the provision of off-site noise attenuation measures on land owned by Defence Estates. Subject to the provision of these measures in accordance with the proposals brought forward by the applicants, Environmental Services have confirmed that there would be no unacceptable noise impact on residential amenity in this case. As these works would be undertaken on private land located outside the application site boundary it would be necessary for their implementation to be secured through a legal agreement rather than through planning conditions in this case, to ensure that the works are appropriately and timeously undertaken. It is noted that there is no such agreement in place at this time.
- 6.8 With regard to vehicular and pedestrian access considerations the Council's Roads and Transportation Services raised concerns with regard to the proposed vehicular and pedestrian access to the site, noting that they did not consider the proposed improvements to the existing access put forward to be appropriate for a development at the scale and location proposed. Further to discussions between the Planning Service, the Roads Service and the applicants revised proposals were put forward for consideration. However, following a detailed assessment of these proposals, the Roads Service has retained the view that both the vehicular and pedestrian access proposals brought forward are not acceptable for a development at the scale and location proposed. The principal issues of concern are that the proposed road would not be of a sufficient width or standard to accommodate the scale of the development that it would serve, that appropriate access provision could not be made during periods of maintenance work and that the location of part of the proposed pedestrian footpath outside the site boundary would mean that its implementation could not be appropriately ensured. In addition, they also requested the provision of further details, including cross-sections of the proposed access road, to allow additional assessment of the proposals to be undertaken. However, these details have not been provided by the applicants who have stated their view that the provisions detailed in their submission should be considered sufficient to serve the proposed development in this case. As such, it is necessary to conclude that the vehicular and pedestrian access provisions put forward would not be appropriate and do not meet the requirements of the Local Development Plan in this instance.
- 6.9 Similarly, with regard to flood risk considerations, additional details have been sought by the Council's Flood Risk Management Team but have not been provided to their satisfaction to date. Policies 16 - Water Environment and Flooding, SDCC2 – Flood Risk and SDCC3 – Sustainable Drainage Systems seek to ensure that all proposals appropriately address drainage and flood risk considerations. As there remain outstanding concerns that the proposals could create issues locally in respect of flood risk and drainage considerations the proposals cannot be considered to comply with the relevant provisions of these policies.
- 6.10 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 development is proposed to be located in the Green Belt outside of the designated settlement of Cambuslang. Additionally, while part of the development would involve the redevelopment of previously developed land, significant development of greenfield land is also proposed. Furthermore, as noted above, there are significant concerns with regard to the proposed pedestrian access to the site as well as unresolved issues with regard to drainage and flood risk management that raise concerns with regard to climate change considerations as set out in Policy 2. Taking account of all of the above considerations, the view is taken

that the proposed development raises significant development management, flood risk management and climate change concerns and fails to comply with the provisions of Policies 2, 5, 16, DM1, GBRA1, SDCC2 and SDCC3 of the adopted Local Development Plan.

- 6.11 Policy 14 – Natural and Historic Environment seeks to ensure that no natural or built heritage features of merit are unacceptably affected by proposed developments. In this case it is noted that the existing farm steading could contain features of archaeological merit linked to Gilbertfield Castle. Policy NHE2 - Archaeological Sites and Monuments seeks to ensure that such features are retrieved and analysed as part of any development works. Further to consultation with WoSAS in this regard, it has been determined that this matter could be satisfactorily dealt with through a condition in the event that planning permission was granted for the proposed development. With regard to protected species, as set out in Policy NHE9 – Protected Species, there is a requirement to ensure that no such species would be harmed as a result of proposed developments. In this case an ecological survey has been submitted in respect of the site and all required mitigation works in this regard could be dealt with through planning conditions in the event that planning permission was granted for the proposed development.
- 6.12 The National Planning Framework 4 (NPF4) was adopted on 13 February 2023 and now forms part of the Development Plan. With regard to this application Policy 8 – Green Belts is considered to be of particular relevance. Policy 8 does not make provision for the redevelopment of previously developed land in the Green Belt or for residential development proposals that would enable works to historic monuments. Instead, the provisions in respect of residential development in the Green Belt are limited primarily to key workers in agriculture or other Green Belt enterprises and the replacement of existing permanent homes on a one-for-one basis. As such, this proposed development of 15 residential dwellings on a Green Belt site cannot be considered to comply with the provisions of Policy 8 of the National Planning Framework 4.
- 6.13 Additionally, with respect to NPF4, a number of other policies are also considered to be of relevance. Policy 2 relates to climate change considerations and broadly reflects the provisions of Policy 2 of the adopted Local Development Plan. Policy 7 relates to historic assets and the policy relating to enabling development contained therein broadly reflects the provisions of Policy DM8 of the adopted Local Development Plan. Policy 14 – Design, quality and place provides general development management guidance and reflects the general development management guidance contained in the adopted Local Development Plan as discussed above. Policy 22 relates to flood risk and the wider water environment, similarly to Policy 16 of the adopted Local Development Plan. Finally, Policy 9 relates to the reuse of brownfield land and specifically states that the use of previously undeveloped greenfield land that has not been allocated for development will not be supported. As noted above, the proposed development significantly encroaches into previously undeveloped greenfield land in the Green Belt in this case. As such, following a detailed assessment of the proposal, it has been concluded that the development would fail to comply with the relevant provisions of NPF4 with specific regard to Policies 2, 7, 8, 9, 14 and 22.
- 6.14 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 that has not been appropriately justified in terms of Enabling Development considerations. Additionally, the proposed development would not be suitably accessible for pedestrians or vehicles and insufficient information has been provided to allow the proposals to be fully considered in terms of access, drainage or flood risk

management considerations. As such, the proposed development fails to adhere to the provisions of the South Lanarkshire Local Development Plan 2, with specific regard to Policies 2, 4, 5, 16, DM1, DM8, GBRA1, GBRA5, SDCC2 and SDCC3. Additionally, the proposal also fails to comply with the National Planning Framework 4, which is now a material consideration in the assessment of planning applications. 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 2, 4, 5, 16, DM1, DM8, GBRA1, GBRA5, SDCC2 and SDCC3 of the South Lanarkshire Local Development Plan 2 (adopted 2021). In addition, the proposal cannot be assessed favourably against Policies 2, 7, 8, 9, 14 and 22 of the National Planning Framework 4.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 9 March 2023

Previous references

- ◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ National Planning Framework 4
- ▶ Neighbour notification letter dated 21 May 2020
- ▶ Consultations

Roads Development Management Team	17.08.2022
Environmental Services	09.05.2022
Historic Environment Scotland	16.06.2020
Cambuslang Community Council	26.05.2020
West of Scotland Archaeology Service	20.05.2020
The Coal Authority	10.08.2020
SEPA Flooding	04.06.2020
Roads Flood Risk Management	30.06.2020
Halfway Community Council	10.06.2020
Scottish Water	20.05.2020
- ▶ Representations

Eva Tripney, 10 Upper Ell Gate, Cambuslang, South Lanarkshire, G72 8ZL	Dated: 08.06.2020
Mr Kevin Murphy, 180 Findochty Street, Garthamlock, Glasgow, G33 5EP	10.06.2020
Mr Anthony McCusker, 12 Upper Ell Gate, Cambuslang, South Lanarkshire, G72 8ZL	10.06.2020

Mr Darren Keenan, 14 Upper Ell Gate, Cambuslang, G72 8ZL 29.05.2020

Mr Gordon Mason, 8 Birch Place, Cambuslang, G72 7XU 30.05.2020

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

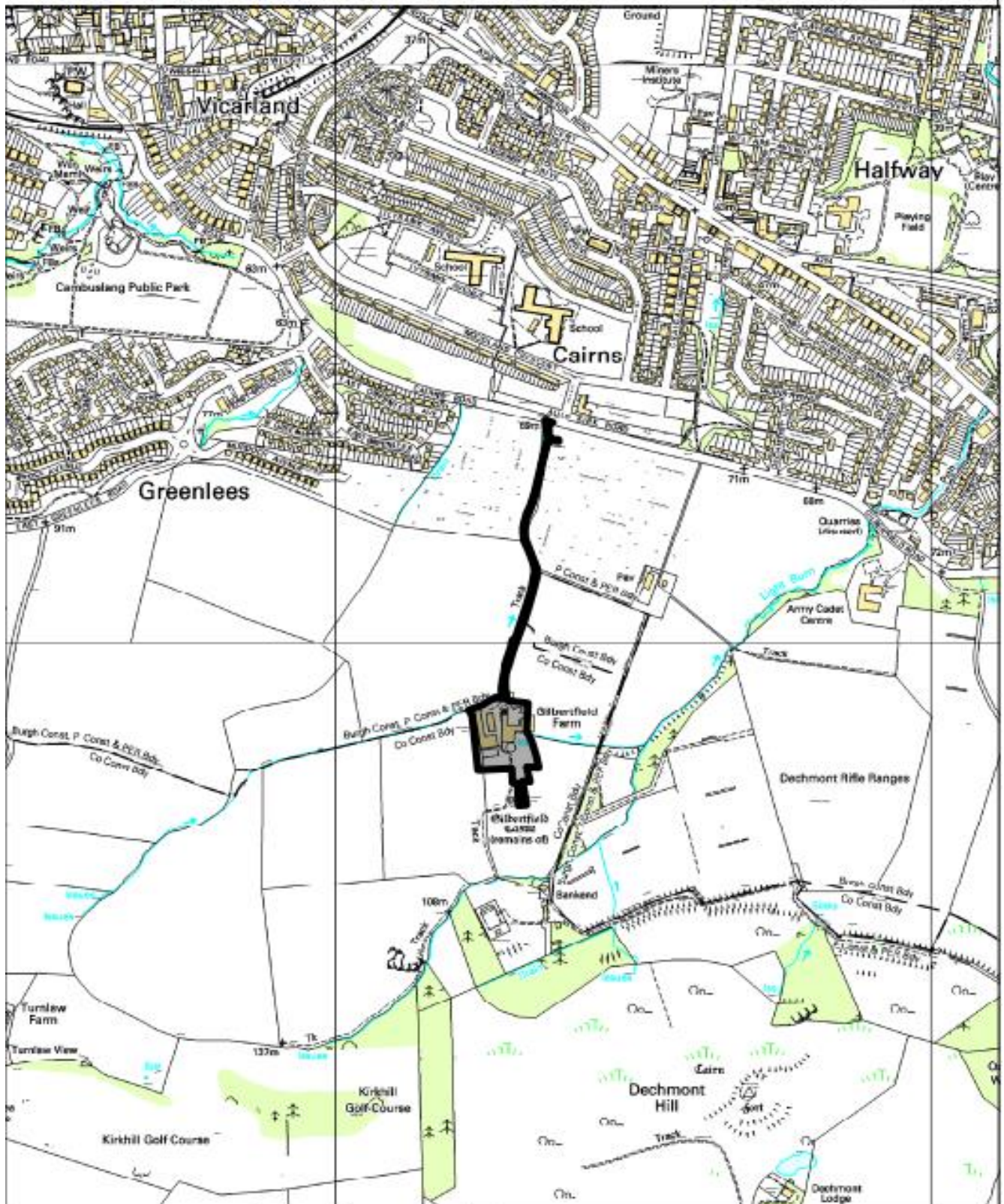
01. The access road to serve the site as proposed is not of a sufficient standard to accommodate the scale of residential development proposed and would create a road safety and accessibility issue for residents of the proposed development and visitors/service vehicles accessing the development. As such, the proposal fails to comply with the provisions of Policies 2, 4, 5, DM1 and GBRA1 of the South Lanarkshire Local Development Plan 2 (adopted 2021) or with Policies 2 and 14 of the National Planning Framework 4.
02. The access road to the site as proposed is not of sufficient width and does not make appropriate provision for a suitable access route to be provided during road maintenance works, thereby creating access and public safety issues during road maintenance works. As such, the proposal fails to comply with the provisions of Policies 2, 4, 5, DM1 and GBRA1 of the South Lanarkshire Local Development Plan 2 (adopted 2021) or with Policies 2 and 14 of the National Planning Framework 4.
03. The proposed footpath to access the residential development is not fully contained within the planning application site boundary and as such, its implementation on site cannot be secured as part of the planning application process to the satisfaction of the Council as Roads and Planning Authority. As such, the proposal fails to comply with the provisions of Policies 2, 4, 5, DM1 and GBRA1 of the South Lanarkshire Local Development Plan 2 (adopted 2021) or with Policies 2 and 14 of the National Planning Framework 4.
04. Insufficient information has been submitted to allow the proposed access route to the site to be fully considered as part of the planning application. As such, the proposal fails to comply with the provisions of Policies 2, 4, 5, DM1 and GBRA1 of the South Lanarkshire Local Development Plan 2 (adopted 2021) or with Policies 2 and 14 of the National Planning Framework 4.
05. Insufficient information has been submitted to allow the proposed flood risk and drainage proposals associated with the proposed development to be fully considered as part of the planning application to the satisfaction of the Council's Flooding Team. As such, the proposal fails to comply with the provisions of Policies 2, 4, 5, 16, SDCC2 and SDCC3 of the South Lanarkshire Local Development Plan 2 (adopted 2021) or with Policies 2, 14 and 22 of the National Planning Framework 4.
06. Insufficient information has been provided in respect of the Enabling Development element of the proposals, with particular regard to the financial analysis of the residential development works that would fund the proposed works to the castle, the method of securing the undertaking of the Enabling Development works through the planning process and the timing and phasing of the Enabling Development works. As such, the proposed development fails to comply with Policy DM8 of the South

Lanarkshire Local Development Plan 2 (adopted 2021) or with Policy 7 of the National Planning Framework 4.

07. The proposals include the development of previously undeveloped greenfield land in the Green Belt in a manner that would not comply with adopted Council planning policy relating to development in the Green Belt. Given that it has not been satisfactorily demonstrated that the proposals comply with the Council's Enabling Development policy (Policy DM8) there is not considered to be justification to allow the provision of a residential development in the Green Belt that contravenes adopted Council planning policy relating to Green Belt development. As such, the proposals fail to comply with Policies 4, GBRA1 and GBRA5 of the South Lanarkshire Local Development Plan 2 (adopted 2021).
08. The proposals relate to the residential development of a Green Belt site in a manner that would not be supported by the provisions of the National Planning Framework 4. As such, the proposals fail to comply with the National Planning Framework 4 with specific regard to Policy 8. Furthermore, while the proposals relate, in part, to the development of brownfield land, they also significantly encroach onto an undesignated greenfield site in the Green Belt. As such, the proposals also fail to comply with Policy 9 of the National Planning Framework 4.

P/20/0548

Gildbertfield Farm, Gilbertfield Road, Cambuslang



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Scale:
1:9,000
Date:
24/02/2023



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

7

Report to:	Planning Committee
Date of Meeting:	21 March 2022
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/21/1764
Planning proposal:	Erection of up to 1012 Residential Dwellings, 3 Retail Units (Class 1), 1 Office Unit (Class 2), 1 Business Unit (Class 4), 1 Nursery (Class 10) and Associated Access, Parking, SUDs Basins and Landscaping (Planning Permission in Principle)

1 Summary application information

Application type: Permission in principle

Applicant: McTaggart Construction
Location: Langlands West
Auldhouse 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: Ian Harper
- ◆ Council Area/Ward: 05 Avondale and Stonehouse
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (adopted 2021)**
Policy 1 Spatial Strategy
Policy 2 Climate Change
Policy 7 Community Infrastructure Assessment
Policy 11 Housing
Policy 12 Affordable Housing
Policy 13 Green Network and Greenspace
Policy 14 Natural and Historic Development
Policy 15 Travel and Transport
Policy 16 Water Environment and Flooding
Policy DM1 New Development Design
Policy DM5 Development Management and Placemaking

Policy DM21 Legal Agreements
 Policy NHE11 Peatland and Carbon Rich Soils
 Policy NHE12 Water Environment and Biodiversity
 Policy NHE13 Forestry and Woodland
 Policy NHE15 Local Nature Reserves
 Policy NHE18 Walking, Cycling and Riding Routes
 Policy NHE20 Biodiversity
 Policy SDCC2 Flood risk
 Policy SDCC3 Sustainable Drainage Systems

National Planning Framework 4 (Approved 2023)

Policy 1 Tackling the climate and nature
 Policy 2 Climate mitigation and adaptation
 Policy 5 Soils
 Policy 16 Quality homes

♦ **Representation(s):**

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

♦ **Consultation(s):**

SEPA Flooding

Roads Flood Risk Management

Arboricultural Services

SEPA West Region

Roads Development Management Team

Environmental Services

Countryside and Greenspace

Scottish Water

SP Energy Networks

Education Resources School Modernisation Team

Housing and Technical Resources

Estates Services

Economic Development

West of Scotland Archaeology Service

Planning Application Report

1 Application Site

- 1.1 The planning application site relates to an area of land to the east of Auldhouse Road in the south of East Kilbride, north of Auldhouse and south of Greenhills Road. The site extends to approximately 42.3 hectares. The site is bounded to the east by Langlands Moss Nature Reserve and the proposed extension to the nature reserve and by agricultural land to the east and south. The north of the site is bounded by the Langlands West vacant industrial site and associated woodland. To the west, across Auldhouse Road is recent residential development, Benthall Farm, where construction continues to toward Shields Road.
- 1.2 The site is currently agricultural land consisting of rough grazing semi-improved grassland with areas of marshy grassland in the centre of the site. There are small areas of semi-mature woodland and broadleaved woodland in the central area of the site and a number of scattered mature hedgerows trees, scattered trees and areas of scrub. There are a number of small watercourses and ditches, including one which runs from the northeast to the southwest through the site and the partially culverted Kittoch Water in the northern area of the site. The boundary of the site is mainly formed by post and wire agricultural fencing.

2 Proposal(s)

- 2.1 The applicant seeks Planning Permission in Principle for the erection of up to 1012 residential dwellings, 3 no. Class 1 retail units, 1 no. Class 2 office unit, 1 no. Class 4 business, 1 no. Class 10 nursery and associated access, parking, SUDs basins and landscaping. There are several phases of the development proposed across a number of areas located around a central open landscaped area. The site would be accessed from Auldhouse Road at two locations, one in the north in line with the north of the Benthall Farm development and the second in the centre from the newly constructed roundabout into the Benthall Farm development at South Shield Drive. Each housing pod is proposed to be accessed from a main spine road which would loop through the site connecting the access points. The proposed retail, office, business and nursery units are proposed in the north of the site. Two SUDs basins are proposed one in the north and one in the south, both located towards the east close to Auldhouse Road.
- 2.2 A number of documents have been provided in support of the application, namely a Pre-application Consultation Report, Planning and Retail Report, Transport Assessment, Travel Plan, Site Investigation Report, Noise Impact Assessment, Ecology Report, Flood Risk Assessment, Drainage Assessment, Scottish Water Assessment, Landscape Strategy, Design Statement, Carbon Risk Assessment and Updated Carbon Risk Assessment.
- 2.3 The site has been subject to a Pre-Application Notice (P/18/0006/PAN). Under the new regulatory framework following from the Planning etc. (Scotland) Act 2006, applicants lodging a major planning application are required to undertake pre-consultation with the community and stakeholders 12 weeks in advance of lodging the formal planning application. The applicant has followed this procedure and has submitted a Report of Consultation with the current planning application. The consultation event was held at Greenhills Public Halls on 29 August 2018.

3 Background

3.1 Relevant Government Advice/Policy

- 3.1.1 Relevant Government guidance is set out within the consolidated Scottish Planning Policy (SPP). In terms of residential development, the SPP advises that the planning

system should enable the development of well designed, energy efficient, good quality housing in sustainable locations and allocate a generous supply of land to meet identified housing requirements. The Council must also maintain a five-year supply of effective housing land.

3.1.2 The National Planning Framework 4 was approved by the 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
- ◆ Policy 2 Climate mitigation and adaptation
- ◆ Policy 5 Soils
- ◆ Policy 16 Quality homes

3.1.3 In land use terms, the site is identified within the adopted South Lanarkshire Local Development Plan 2 2021 (LDP) as forming part of a Development Framework Site. The proposed development is affected by a number of policies within the Local Plan, as follows:-

- ◆ Policy 1 Spatial Strategy
- ◆ Policy 2 Climate Change
- ◆ Policy 7 Community Infrastructure Assessment
- ◆ Policy 11 Housing
- ◆ Policy 12 Affordable Housing
- ◆ Policy 13 Green Network and Greenspace
- ◆ Policy 14 Natural and Historic Development
- ◆ Policy 15 Travel and Transport
- ◆ Policy 16 Water Environment and Flooding
- ◆ Policy DM1 New Development Design
- ◆ Policy DM5 Development Management and Placemaking
- ◆ Policy DM21 Legal Agreements
- ◆ Policy NHE11 Peatland and Carbon Rich Soils
- ◆ Policy NHE12 Water Environment and Biodiversity
- ◆ Policy NHE13 Forestry and Woodland
- ◆ Policy NHE15 Local Nature Reserves
- ◆ Policy NHE18 Walking, Cycling and Riding Routes
- ◆ Policy NHE20 Biodiversity
- ◆ Policy SDCC2 Flood Risk
- ◆ Policy SDCC3 Sustainable Drainage Systems

3.2 Planning Background

3.2.1 The site was first identified as a Development Framework Site in the South Lanarkshire Local Development Plan 1 in 2015 and subsequently included in the current adopted South Lanarkshire Local Development Plan 2 in 2021. The Development Framework Site requires that a masterplan for the site be agreed with the Council demonstrating how any proposed development would integrate with adjoining land uses and suggests that a range of land uses could be considered including industrial, residential, recreation, community and ancillary uses. The site has not been included in the current Housing Land Supply. As set out above, the site has been subject to a Pre-Application Notice (P/18/0006/PAN) and the applicant carried out a public consultation exercise in 2018.

4 Consultation(s)

- 4.1 **Roads and Transportation Services (Development Management)** – Although an updated draft Traffic Assessment and supplementary information have been submitted and there are on-going discussions with the applicant's Traffic Consultants, insufficient information has been provided to date to fully assess the potential impacts and any required mitigation of those impacts. Further information is required in respect of traffic impact, vehicular access/roundabout design, pedestrian crossing locations, connections to and opportunities for improvements to existing walking and cycling infrastructure and routes, and assessment of routes to catchment schools. Conditions would also be required in respect of a number of issues should any consent be granted.

Response: Noted.

- 4.2 **Roads Flood Risk Management** – have no objections to the proposed development subject to conditions in relation to the implementation of a Sustainable Drainage Design designed and independently checked in accordance with the Council's SUDS Design Criteria Guidance and completion of SUDS appendices certificates and confirmation. It is noted that the submitted Flood Risk Assessment prepared by Kaya Consulting (No.2237 Langlands West, East Kilbride February 2022) is marked as draft.

Response: Noted.

- 4.3 **SEPA West Region and SEPA Flooding** – have confirmed that the information provided to date by the applicant does not address SEPA's concerns therefore SEPA maintain a holding objection. The submitted Carbon Risk Assessment fails to provide a sufficient level of detail in respect of the treatment and storage of peat on the site and a Peat Management Plan and Habitat Management Plan have not been provided, in order to effectively assess the potential impacts of the proposal to an extent where SEPA would be satisfied that proposed mitigation measures are sufficient to address any potential impacts on and minimise disturbance of carbon rich soils. Should the requested information not be provided to address these concerns then SEPA's position should be considered as an objection.

Response: Noted.

- 4.4 **Countryside and Greenspace** – raise concerns that the submitted Carbon Risk Assessment fails to provide a sufficient level of detail in respect of the proposed mitigations to remove, transport, store and reprofile peat within the site and does not confirm that the proposals are appropriate or viable to safeguard the carbon currently locked up in the peat. Consider that the proposal is incompatible with National Planning Framework 4 in this respect.

Response: Noted.

- 4.5 **Environmental Services** – have requested that a suitable Gas Risk Assessment be required prior to determination. The submitted Site Investigation Report notes that this is required, therefore, the Site Investigation Report is unacceptable without a submission of a suitable intrusive Gas Risk Assessment. The reason for this is due to the identified extensive peat deposits across the site, peat is known for producing elevated levels of carbon dioxide and methane under certain circumstances. The Consultant has clearly recognised that risk and noted that this assessment needs to be carried out. A number of conditions would also be required in respect of Noise Impact Assessment, Air Quality Assessment, Contaminated Land Remediation Measures, Storage and Collection of Waste and Dust Mitigation, Control and Monitoring.

Response: Noted. Appropriate conditions and advisory notes could be added to any consent issued.

- 4.6 **Scottish Water** – have no objections to the proposed development.
Response: Noted.
- 4.7 **SP Energy Networks** – have no objections to the proposed development, however, advise that they have a high voltage (HV) overhead line within the vicinity of the site.
Response: Noted.
- 4.8 **WoSAS** – have no objection subject to conditions in respect of a programme of archaeological works and scheme of investigation.
Response: Noted. Appropriate conditions and advisory notes could be added to any consent issued.
- 4.9 **Estates Services** – have no objections to the proposed development.
Response: Noted.
- 4.10 **Arboricultural Services** – have requested that further information is provided, prior to determination, in respect of a Tree Survey, Tree Retention Removal Plan, Tree Protection Plan, Root Protection Plan, Landscaping and Planting Scheme, level information, Arboricultural Impact Assessment and Arboricultural Method Statement.
Response: Noted. Given that there are other reasons to recommend refusal of this application this information has not been requested. Appropriate conditions and advisory notes could be added to any consent issued.
- 4.11 **Economic Development** – have no objections to the proposed development, however, any development in this location must not negatively impact on the potential industrial investment and consequential employment opportunities at Langlands West industrial site to the north of the application site. The development proposal should recognise the potential impacts from neighbouring industrial development.
Response: Noted.
- 4.12 **Education Resources School Modernisation Team** – have no objections to the proposal, however, developer contributions would be required towards education facilities.
Response: Noted.
- 4.13 **Housing and Technical Resources** – have confirmed that two housing associations have proposed a total of 244 units, a mixture of social rent, private sector mid-market rent and shared equity units on the site and two sites, within the development proposal, have been included in the South Lanarkshire Strategic Housing Investment Plan 2023-2028 (SHIP). However, the SHIP is an operational document rather than a policy document (as per the Scottish Government's Guidance MHDGN 2022/01) and changes can be made to the status of land on the list at any time including accelerating development of sites, or removal of sites from the plan if development will not be progressed, based on continuous review and assessment of sites, including through appropriate feasibility and viability. The SHIP forms the key document for identifying proposed strategic housing projects which require Scottish Government Affordable Housing Supply Programme (AHSP) funding support and is used to inform Scottish Government investment decisions and the planned programme for funding for projects as reflected in the Strategic Local Programme Agreement (SLPA). The SLPA is developed on a yearly basis and no commitment is made to deliver funding for future years, therefore at this stage there is no commitment for financial funding to be made to any development in this area, rather just a note that the site may be considered for future funding if and when development progresses.

Response: Noted. The proposal is considered to be contrary to Policy 11 Housing of the South Lanarkshire Local Development Plan 2 in that the proposal is not identified in the current Housing Land Supply and there is no shortfall in the five year supply of effective land for housing development, therefore, there is no requirement for further sites to be added to the land supply in East Kilbride. However, should the Council be minded to grant planning consent a Section 75 Legal Agreement would be concluded prior to any consent being issued to ensure provision of the Affordable Housing units.

5 Representation(s)

5.1 Statutory notification was undertaken, and the proposal advertised in the local press for scale and nature of the development, development contrary to the development plan and non-notification of neighbours. Following this, 70 letters of representation were received, consisting of 68 objections, 1 letter of comment and 1 letter of support. The issues raised in all representations can be summarised as follows:-

- (a) The proposed development would result in the loss of Green Belt land which residents were assured by developers would be retained as Green Belt. The loss of this Green Belt would result in the coalescence of East Kilbride and Auldhouse**

Response: The proposed development site is located within the settlement boundary as defined in the Adopted South Lanarkshire Local Development Plan 2, therefore, would not result in the loss of Green Belt

- (b) The proposed development is not required as there are other brownfield sites available in East Kilbride and significant housing development being carried out on site such as the Community Growth Area.**

Response: The proposal is considered to be contrary to Policy 11 Housing of the South Lanarkshire Local Development Plan 2 in that the proposal is not identified in the current Housing Land Supply and there is no shortfall in the five year supply of effective land for housing development, therefore, there is no requirement for further sites to be added to the land supply in East Kilbride.

- (c) The proposed scale of development is considered to be over development of the site and the extent of development should be significantly reduced.**

Response: The proposal is considered to be contrary to Policy 1 Spatial Strategy of the South Lanarkshire Local Development Plan 2 in that the proposed Masterplan does not reflect the requirements of the SLLDP2 for the Langlands West Development Framework Site in terms of the extent of residential development proposed.

- (d) The proposed development will have an adverse impact on the existing infrastructure, services and amenities in this part of East Kilbride, including health care, police, fire service, education facilities and retail units. These facilities are already stretched and investment should be to these existing facilities.**

Response: The proposal is considered to be contrary to Policy 1 Spatial Strategy of the South Lanarkshire Local Development Plan 2 in that the proposed Masterplan does not reflect the requirements of the SLLDP2 for the Langlands West Development Framework Site in terms of the extent of residential development proposed.

- (e) The proposed development would have an adverse impact on the local road network, result in traffic congestion and road safety issues, particularly on Auldhouse Road which is a single carriageway rural road.**

Response: Noted. Roads and Transportation services have confirmed that insufficient information has been provided to date to fully assess the potential impacts of the development and any required mitigation of those impacts. Further information is required in respect of traffic impact, vehicular access/roundabout design, pedestrian crossing locations, connections to and opportunities for improvements to existing walking and cycling infrastructure and routes, and assessment of routes to catchment schools.

- (f) **Auldhouse Road is a rural road used for walking, cycling, wheelchair users and horse riding and the proposed development would have an adverse impact on the recreational use of this route.**

Response: Noted. Roads and Transportation services have confirmed that insufficient information has been provided to date to fully assess the potential impacts of the development and any required mitigation of those impacts. Further information is required in respect of traffic impact, vehicular access/roundabout design, pedestrian crossing locations, connections to and opportunities for improvements to existing walking and cycling infrastructure and routes, and assessment of routes to catchment schools.

- (g) **The site is not served by public transport.**

Response: The development proposal is considered to be contrary to Policies 1, 2, 5, 11, 14 and NHE11 of the adopted South Lanarkshire Local Development Plan 2 and Policy 5 of the National Planning Framework 4.

- (h) **The site is regularly subject to extensive flooding**

Response: Roads Flood Risk Management raised no objections to the proposed development subject to conditions in relation to the implementation of a Sustainable Drainage Design designed and independently checked in accordance with the Council's SUDS Design Criteria Guidance and completion of Suds appendices certificates and confirmation. However, the development proposal is considered to be contrary to Policies 1, 2, 5, 11, 14 and NHE11 of the adopted South Lanarkshire Local Development Plan 2 and Policy 5 of the National Planning Framework 4.

- (i) **The land is undevelopable due to the extensive depth of peat and any development would be contrary to Scottish Government policy and result in an increase in CO2 release and flooding.**

Response: Noted. It is considered that the proposed development is contrary to Policies 1, 2, 5, 14 and NHE11 of the adopted South Lanarkshire Local Development Plan 2 and Policy 5 of the National Planning Framework 4. The submitted Carbon Risk Assessment fails to provide a sufficient level of detail in respect of the treatment and storage of peat on the site and a Peat Management Plan and Habitat Management Plan have not been provided, in order to effectively assess the potential impacts of the proposal to an extent where the Council and SEPA would be satisfied that proposed mitigation measures are sufficient to address any potential impacts on and minimise disturbance of carbon rich soils. The proposal is not of a development type which is supported by NPF4 on peatland, carbon-rich soils and priority peatland habitat.

- (j) **The proposed development would result in an increase in air pollution and carbon emissions.**

Response: The development proposal is considered to be contrary to Policies 1, 2, 5, 11, 14 and NHE11 of the adopted South Lanarkshire Local Development Plan 2 and Policy 5 of the National Planning Framework 4.

- (k) **The proposed development would have an adverse impact on wildlife and habitats on the site and on adjacent land, including Langlands Moss Nature Reserve and ecosystem. Mitigation measures should be provided to address issues such as habitat destruction, noise and light disturbance and the resulting displacement of wildlife from the area.**

Response: The development proposal is considered to be contrary to Policies 1, 2, 5, 11, 14 and NHE11 of the adopted South Lanarkshire Local Development Plan 2 and Policy 5 of the National Planning Framework 4.

- (l) **The built development area should be set back from Auldhouse Road and significant structural planting buffers should be provided around the whole site to provide protection for Langlands Moss Nature Reserve, to merge with the wider countryside and to reduce CO2 emissions, noise and pollution.**

Response: The development proposal is considered to be contrary to Policies 1, 2, 5, 11, 14 and NHE11 of the adopted South Lanarkshire Local Development Plan 2 and Policy 5 of the National Planning Framework 4.

- (m) **Existing trees on the site should be protected and not removed to facilitate development.**

Response: The development proposal is considered to be contrary to Policies 1, 2, 5, 11, 14 and NHE11 of the adopted South Lanarkshire Local Development Plan 2 and Policy 5 of the National Planning Framework 4.

- (n) **The proposed development would have an adverse visual impact detracting from views of the open countryside from existing residential areas and reducing the amenity of those areas.**

Response: The development proposal is considered to be contrary to Policies 1, 2, 5, 11, 14 and NHE11 of the adopted South Lanarkshire Local Development Plan 2 and Policy 5 of the National Planning Framework 4.

- (o) **The design and layout of the proposed development is not appropriate, does not reflect the surrounding built environment and would result in privacy issues for existing residents.**

Response: The development proposal is considered to be contrary to Policies 1, 2, 5, 11, 14 and NHE11 of the adopted South Lanarkshire Local Development Plan 2 and Policy 5 of the National Planning Framework 4.

- (p) **The construction of the proposed development would have an adverse impact for a significant number of years in respect of disruption, construction traffic, noise, pollution, dust, mud, vermin and the construction access should be relocated to be taken directly from Greenhills Road to the north.**

Response: The development proposal is considered to be contrary to Policies 1, 2, 5, 11, 14 and NHE11 of the adopted South Lanarkshire Local Development Plan 2 and Policy 5 of the National Planning Framework 4. However, should the Council be minded to grant planning consent conditions to control construction impacts could be attached.

- (q) **The proposed social / affordable housing is located too close to existing social housing at Catacol Court and should be relocated to the other side of the development. The proposed social / affordable housing would increase existing issues with anti-social behaviour.**

Response: The proposal is considered to be contrary to Policy 11 Housing of the South Lanarkshire Local Development Plan 2 in that the proposal is not identified in the current Housing Land Supply and there is no shortfall in the five year supply of effective land for housing development, therefore, there is no requirement for further sites to be added to the land supply in East Kilbride.

(r) The Council is promoting development in order to increase income from Council Tax

Response: The development proposal is considered to be contrary to Policies 1, 2, 5, 11, 14 and NHE11 of the adopted South Lanarkshire Local Development Plan 2 and Policy 5 of the National Planning Framework 4.

(s) The proposed development would have an adverse impact on the value and saleability of existing properties.

Response: Property values are not a valid planning consideration.

(t) Neighbour Notification was not sent to all neighbouring properties.

Response: Neighbour Notification was sent to all properties within 20m of the site boundary and the application was advertised in the local press.

(u) Several representations raised objections to a separate development proposal to extend the Benthall Farm development located north of Shields Road, beyond the settlement boundary into the Green Belt to the south west. Objections submitted were in respect of the proposed loss of Green Belt, the impact of the proposed housing and school in terms of noise and traffic.

Response: The proposal being referred to is a separate proposal which was submitted as a supporting representation to the Langlands West application and objections in respect of that proposal are not relevant to this application.

(v) A representation in support of the Langlands West application was submitted by a developer proposing a separate development proposal to extend the Benthall Farm development located north of Shields Road, beyond the settlement boundary into the Green Belt to the south west. The proposal included residential, commercial, community uses and a new primary school. It was suggested that the proposal would resolve infrastructure issues with the Langlands West site and that developers of both sites could work with the Council in partnership.

Response: The proposal being referred to is a separate proposal which cannot be taken into consideration in the assessment of the current application. Any proposal should be submitted separately either through the Development Plan review process or through a separate planning application for that site.

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

6 Assessment and Conclusions

6.1 The applicants seek Planning Permission in Principle for the erection of up to 1012 residential dwellings, 3 no. Class 1 retail units, 1 no. Class 2 office unit, 1 no. Class 4 business, 1 no. Class 10 nursery and associated access, parking, SUDs basins and landscaping. The indicative Phasing Plan indicates that the applicant proposes to provide 250 Affordable Housing units in an early phase of the development. In terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, planning applications have to be determined in accordance with national planning policy and the development plan unless other material considerations indicate otherwise.

- 6.2 In respect of South Lanarkshire Local Development Plan 2 (LDP) Policy 1 Spatial Strategy the site is identified as forming part of a Development Framework Site Langlands West. The application site covers the southern area of the wider Development Framework site, the northern area being industrial land which is in Council ownership. Policy 1 sets out the spatial strategy of the LDP which aims to encourage sustainable economic growth and regeneration, move towards a low carbon economy, protect the natural and historic environment and mitigate against the impacts of climate change.
- 6.3 The policy identifies a range of different development priorities in implementing the spatial strategy which includes a number of Development Framework Sites across the Council area. Appendix 3 Development Priorities sets out the requirements for each site. Any proposal for Langlands West requires that a masterplan for the site be brought forward, the scope of which to be agreed with the Council, to demonstrate how the proposed land uses (including industrial, residential, recreation, community and ancillary uses) would integrate with adjoining land uses. It is considered that the proposed masterplan for the application site does not reflect the requirements of the Development Framework site in respect of the extent of residential development proposed. The applicant has also failed to provide a sufficient level of detail in order to effectively assess the potential impacts of the proposal on peatland, carbon-rich soils and priority peatland habitat, including Langlands Moss Nature Reserve, to an extent where the Council and SEPA would be satisfied that proposed mitigation measures are sufficient to address any potential impacts. This issue is set out below.
- 6.4 The spatial strategy also ensures that any changes in legislation, government policy or environmental and climate change impacts can be taken into account when assessing development proposals. In this regard the National Planning Framework 4 was approved by the Scottish Ministers on 13 February 2023 and now forms part of the Development Plan. The proposal is considered contrary to Policy 1 Spatial Strategy of the South Lanarkshire Local Development Plan 2 in that the proposed Masterplan does not reflect the requirements of the SLLDP2 for the Langlands West Development Framework Site in terms of the extent of residential development proposed.
- 6.5 LDP Policy 2 Climate Change, 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 applicant has failed to provide a sufficient level of detail in order to effectively assess the potential impacts and the likely net effects of the development on climate emissions and loss of carbon. It is therefore considered that the proposal is contrary to Policy 2 of the adopted LDP and Policy 1 and Policy 2 of NPF4.
- 6.6 LDP Policy 7 Community Infrastructure Assessment and Policy DM21 Legal Agreements advises that a financial contribution from the developer will be sought where it is considered that a development requires capital or other works or facilities to enable the development to proceed. Through an assessment of the proposal, it is considered that should the Council be minded to grant consent, contributions would be required in terms of the provision of affordable housing and the impact on educational and community facilities. This would be required to be achieved through a legal agreement or other appropriate means and should the applicants be in agreement with entering into an such a legal agreement it would be considered consistent with Policy 7 and Policy DM21.

- 6.7 LDP Policy 11 Housing aims to ensure that there is a minimum five year effective supply of housing land and will support development on the sites included in the Housing Land Audit and identified on the proposals map. The proposal seeks consent for the erection of 1012 residential dwellings on a site which is not identified in the current Housing Land Supply and is not identified as a Housing Site on the LDP proposals map. There is no shortfall in the five year supply of effective land for housing development, therefore, there is no requirement for further sites to be added to the land supply in East Kilbride.
- 6.8 The Council annually produce a Housing Land Audit (HLA) which is accurate and up-to-date. The HLA indicated that there is an all tenure effective land supply well within the Councils Housing Targets set by the Housing Need and Demand Assessment (HNDA) and MATHLR (Minimum All Tenure Housing land Requirement). The audit has been agreed with Homes for Scotland for 2022 and this demonstrates that there is no shortfall of housing in any of the housing market areas.
- 6.9 The Council is satisfied that the supply of housing land meets the requirements set out by the Scottish Government. Focussing on the East Kilbride Housing Market Area in recent years there has been a high level of activity in the area with over 2000 units (all-tenure) completed in the last 5 years. This is an average of just over 400 per annum (all-tenure). In terms of private supply almost 1700 units have been built over the past 5 years, an average of around 340 units per annum. In the public sector housing (affordable element) over 360 units have been completed, an average of around 70 per annum. This has added a degree of choice in terms of both size and tenure to the land supply in East Kilbride.
- 6.10 Extensive building activity is currently underway on a number of large sites in East Kilbride including the Community Growth Area, Philipshill, Rolls Royce, Shields Road and also on medium and smaller sites scattered across both East Kilbride and the wider East Kilbride Housing Market Area. As of 2022 there was 2538 effective units available (all-tenure) comprising of 296 social rented units and 2242 private sector units. This gives a five year average of over 500 units per annum (60 social rented and 450 private). This site at Langlands West would not be appropriate for release since there is no requirement for further sites to be added to the land supply in East Kilbride given the land currently available and the building rate. In addition, the site is adjacent to both Shields Road and in close proximity to The Community Growth Area. Further development could significantly affect development of these sites. Housing at Langlands West is included in the potential mix of uses for the site as a possible long term option but limited within the wider Development Framework site.
- 6.11 This would require the site to be master planned to meet the needs of the Local Development Plan and the proposed extent of housing is considered contrary to the spirit of the Development Framework.
- 6.12 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. It states that development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances. None of these circumstances are considered to be relevant as the proposed phasing of the development does not meet any established need or shortfall in supply, as set out above, and the proposal is considered contrary to a number of relevant policies in the LDP.

- 6.13 LDP Policy 12 Affordable Housing aims to encourage the provision of affordable housing through requiring that up to 25% of the sites capacity is provided as affordable housing serviced plots or units. The proposal includes 250 affordable housing units, although no detail of tenure has been provided by the applicant, which represents just below 25% of the maximum proposed capacity.
- 6.14 As set out above, Housing and Technical Resources have confirmed that two housing associations have proposed a total of 244 units, a mixture of social rent, private sector mid-market rent and shared equity units on the site and two sites, within the development proposal, have been included in the South Lanarkshire Strategic Housing Investment Plan 2023-2028 (SHIP). However, the SHIP is an operational document rather than a policy document which focusses on Social Rented Housing, and this is designed to ensure that money available for building social rented housing is directed to appropriate sites and areas where there is the greatest need. The SHIP forms the key document for identifying proposed strategic housing projects and is used to inform the planned programme for funding for projects as reflected in the Strategic Local Programme Agreement (SLPA).
- 6.15 The SLPA is developed on a yearly basis and no commitment is made to deliver funding for future years, therefore, at this stage there is no commitment for financial funding to be made to any development in this location, rather just a note that the site may be considered for future funding if and when development progresses. As set out above, the HLA indicated that there is an all tenure effective land supply well within the Councils Housing Targets and provides an acceptable degree of choice in terms of both size and tenure to the land supply in East Kilbride. However, should the Council be minded to grant planning consent, a Section 75 Legal Agreement would be concluded prior to any consent being issued to ensure provision of the Affordable Housing units.
- 6.16 Given the assessment set out above, it is considered that the proposal is contrary to Policy 11 Housing of the South Lanarkshire Local Development Plan 2 and Policy 16 of the National Planning Framework 4 in that the proposal is not identified in the current Housing Land Supply and there is no shortfall in the five year supply of effective land for housing development, therefore, there is no requirement for further sites to be added to the land supply in East Kilbride.
- 6.17 LDP Policy 14 Natural and Historic Development, LDP Policy NHE11 Peatland and Carbon Rich Soils and NPF4 Policy 5 Soils aim to protect peatland and carbon rich soils from adverse impacts resulting from development. Applicants should assess the likely effects of development on carbon dioxide (CO₂) emissions and should aim to minimise this release. Proposals must be accompanied by a full peat survey and a peatland habitat assessment which demonstrate how peat resources have been avoided and impacts on peat and peatland habitats minimised and should be accompanied by:-
- ◆ a schedule of mitigation measures to minimise impact on peat
 - ◆ a method statement for post-construction re-instatement of disturbed peatland
 - ◆ a peatland management and/or enhancement plan showing how any significant losses of peatland habitat are to be compensated for

The council will seek to ensure that best practice is used for the handling, storage and restoration of the peat, in order to minimise potential degradation and promote active peat formation and, where appropriate, the creation of habitats of nature conservation interest.

- 6.18 Policy 5 of NPF4, similarly requires that applicants demonstrate that the proposed development will minimise disturbance to soils and will be constructed in a manner that protects soil from damage, demonstrating:-
- ◆ the baseline depth, habitat condition, quality and stability of carbon rich soils
 - ◆ the likely effects of the development on peatland, including on soil disturbance
 - ◆ the likely net effects of the development on climate emissions and loss of carbon
- NPF4 also only supports certain types of development on peatland, carbon-rich soils and priority peatland habitat.
- 6.19 Although the applicants have submitted a Carbon Risk Assessment, an up dated Carbon Risk Assessment and additional information in response to requests from the Council and SEPA, the submitted information is considered to be insufficient. It fails to provide a sufficient level of detail in respect of the treatment and storage of peat on the site and a Peat Management Plan and Habitat Management Plan have not been provided, in order to effectively assess the potential impacts of the proposal to an extent where the Council and SEPA would be satisfied that proposed mitigation measures are sufficient to address any potential impacts on and minimise disturbance of carbon rich soils. In respect of NPF4 it fails to demonstrate that the proposed development will minimise disturbance to soils and will be constructed in a manner that protects soil from damage, as the submitted information does not identify the requirements set out in paragraph 6.18 above, to a sufficient extent. The proposal is also not of a development type which is supported by NPF4 on peatland, carbon-rich soils and priority peatland habitat. The proposal is therefore considered to be contrary to Policies, 14 and NHE11 of the LDP and Policy 5 of the NPF4.
- 6.20 LDP Policy 13 Green Network and Greenspace, LDP Policy NHE15 Local Nature Reserves and LDP Policy NHE20 Biodiversity aim to protect and enhance the series of connected greenspaces within settlements, ensure developments have no significant adverse impacts on designated sites such as Local Nature Reserves or biodiversity and ensure appropriate mitigation and offset measures are secured should development be considered appropriate. The proposed masterplan development incorporates a Landscape Strategy which includes a number of planting buffers, green networks and a central greenspace. As set out above the site is adjacent to Langlands Moss Local Nature Reserve and the Proposed Extension to the Local Nature Reserve. As set out above, it is considered that insufficient information has been submitted in respect of the potential impacts on peatland, carbon-rich soils and priority peatland habitat, which is relevant in identifying any potential impacts in respect of the neighbouring Langlands Moss Local Nature Reserve and biodiversity of the site and surrounding area. It is therefore considered that the proposal is consistent with LDP Policy 13, however, the proposal is considered to be contrary to LDP Policy NHE15 and LDP Policy NHE20.
- 6.21 LDP Policy NHE13 Forestry and Woodland Orders aims to protect woodland, hedgerow trees and individual trees. There are small areas of semi-mature woodland and broadleaved woodland in the central area of the site and a number of scattered mature hedgerows trees, scattered trees and areas of scrub. Arboricultural Services have requested that further information is provided, prior to determination, in respect of a Tree Survey, Tree Retention Removal Plan, Tree Protection Plan, Root Protection Plan, Landscaping and Planting Scheme, level information, Arboricultural Impact Assessment and Arboricultural Method Statement. Appropriate conditions could be attached to any consent should the Council be minded to grant consent.

- 6.22 LDP Policy 15 Travel and Transport and LDP Policy NHE18 Walking, Cycling and Riding Routes require all new development proposals to consider the resulting impacts of traffic growth and safeguard existing and proposed walking, cycling and riding routes. Roads and Transportation Services (Development Management) have confirmed that although an updated draft Traffic Assessment and supplementary information have been submitted and there are on-going discussions with the applicant's Traffic Consultants, insufficient information has been provided to date to fully assess the potential impacts and any required mitigation of those impacts. Further information is required in respect of traffic impact, vehicular access/roundabout design, pedestrian crossing locations, connections to and opportunities for improvements to existing walking and cycling infrastructure and routes, and assessment of routes to catchment schools. Until the outstanding information has been provided the proposal cannot be considered to comply with LDP Policy 15 and LDP Policy NHE18.
- 6.23 In terms of LDP Policy 16 Water Environment and Flooding, Policy SDCC2 Flood risk, Policy SDCC3 Sustainable Drainage Systems and Policy NHE12 Water Environment and Biodiversity the applicant has submitted a Flood Risk Assessment, Drainage Assessment and Scottish Water Assessment in support of the application. The Flood Risk Management Team advised that they have no objections to the proposed development subject to conditions in relation to the implementation of a Sustainable Drainage Design designed and independently checked in accordance with the Council's SUDS Design Criteria Guidance. The proposed development is therefore considered to be consistent with LDP Policies 16, SDCC2, SDCC3 and NHE12 and appropriate conditions could be attached to any consent should the Council be minded to grant consent.
- 6.24 LDP Policy 5 Development Management and Placemaking and LDP Policy DM1 New Development Design seek to ensure that development takes account of and is integrated with the local context and built form. Proposals should have no significant adverse impacts on the local community and include where appropriate measures to enhance the environment. As set out above, the submitted Carbon Risk Assessment fails to provide a sufficient level of detail in respect of the treatment and storage of peat on the site and a Peat Management Plan and Habitat Management Plan have not been provided, in order to effectively assess the potential impacts of the proposal to an extent where the Council and SEPA would be satisfied that proposed mitigation measures are sufficient to address any potential impacts on and minimise disturbance of carbon rich soils. The proposed development is therefore considered to be contrary to LDP Policy 5 and LDP Policy DM1.
- 6.25 In summary, a full assessment of the proposals against the development plan has been carried out above and the proposed development is considered to be contrary to the adopted South Lanarkshire Local Development Plan 2 and the National Planning Framework 4 for the following reasons:-
- 1) The proposed Masterplan does not reflect the requirements of the SLLDP2 for the Langlands West Development Framework Site in terms of the extent of residential development proposed;
 - 2) The proposal is not identified in the current Housing Land Supply and there is no shortfall in the five-year supply of effective land for housing development, therefore, there is no requirement for further sites to be added to the land supply in East Kilbride;

- 3) The submitted Carbon Risk Assessment fails to provide a sufficient level of detail in respect of the treatment and storage of peat on the site and a Peat Management Plan and Habitat Management Plan have not been provided, in order to effectively assess the potential impacts of the proposal to an extent where the Council and SEPA would be satisfied that proposed mitigation measures are sufficient to address any potential impacts on and minimise disturbance of carbon rich soils;
- 4) An insufficient level of information has been provided to demonstrate that the proposed development will minimise disturbance to soils and will be constructed in a manner that protects soil from damage, as the submitted information does not identify, to a sufficient extent:-
 - ◆ the baseline depth, habitat condition, quality and stability of carbon rich soils
 - ◆ the likely effects of the development on peatland, including on soil disturbance
 - ◆ the likely net effects of the development on climate emissions and loss of carbon

The proposal is not of a development type which is supported by NPF4 on peatland, carbon-rich soils and priority peatland habitat.

It is therefore recommended that planning permission is refused.

7 Reasons for Decision

7.1 For the reasons set out in 6.25 above.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 8 March 2023

Previous references

- ◆ P/18/0006/PAN Pre-Application Notice

List of background papers

▶ Application form	
▶ Application plans	
▶ South Lanarkshire Local Development Plan 2 (adopted 2021)	
▶ Neighbour notification letter dated 08.04.2022	
▶ Consultations	
SEPA Flooding and SEPA West Region	27.06.2022 & 16.09.2022 & 13.12.2022
Roads Flood Risk Management	06.07.2022
Arboricultural Services	24.02.2023
Roads Development Management Team	16.09.2022 & 24.02.2023
Environmental Services	30.08.2022 & 11.05.2022
Countryside and Greenspace	15.12.2022
Scottish Water	09.05.2022
SP Energy Network	11.04.2022

Education Resources School Modernisation Team	19.05.2022
Housing and Technical Resources	23.02.2023
Estates Services	22.04.2022
Economic Development	23.11.2022
West of Scotland Archaeology Service	25.04.2022
► Representations	Dated:
Mr Alan Forrest, 6 The Leas, East Kilbride, Glasgow, South Lanarkshire, G75 9PY	29.04.2022
Scott McGuigan, 14 Catacol Court, Catacol Grove, East Kilbride, Glasgow, South Lanarkshire, G75 9FW	29.04.2022
Mr Craig Horsley, 26 The Leas, East Kilbride, G75 9PY	29.04.2022
Anne Macaldowie, 51 Marsden Wynd, East Kilbride, Glasgow, South Lanarkshire, G75 9PX	11.05.2022
Mr Martin Taylor, 6 Westoe Path, Benthall Farm, East Kilbride, G75 9PS	15.04.2022
Mr Ian Lebeter, 8 Kronborg Way, East Kilbride, G75 0BN	18.04.2022
Mr Scott Mathewson, 17 South Shields Drive, East Kilbride, G75 9PG	15.04.2022
Mrs Nicole Teague, 6 Marsden Wynd, East Kilbride, G75 9PX	18.04.2022
Miss Sara Riddell, 5 Cleadon Place, East Kilbride, G75 9PR	15.04.2022
Mrs Heather Fairgrieve Watson, 2 Littlehaven Terrace, Glasgow, G75 9PW	15.04.2022
Mr Liam Fisher, 20 Horsleyhill, East Kilbride, G75 9PL	15.04.2022
Miss Laura Mcbrearty, 1 Horsleyhill, East Kilbride, G75 9PL	16.04.2022
Mr Allan Teague, 6 Marsden Wynd, East Kilbride, Glasgow, G75 9PX	18.04.2022
Mr Scott Duffy, 8 Horsleyhill, East Kilbride, G75 9PL	22.04.2022
Mr Neil Kelly, 11 Souter Gate, Benthall Farm, East Kilbride, G75 9PU	24.04.2022
Mrs Paula Shekleton, 19 The Leas, East Kilbride, G75 9PY	24.04.2022
Mrs Deborah Lebeter, 8 Kronborg Way, Whitehills, East Kilbride, G75 0BN	15.04.2022

Miss Anne Macaldowie, 51 Marsden Wynd, East Kilbride, G75 9PX	15.04.2022
Miss Stacey Cartledge, 65 Marsden Wynd, East Kilbride, G75 9PX	25.04.2022
Mr David Milne, 12 The Leas, Benthall Farm, East Kilbride, G75 9PY	26.04.2022
Mr Scott McCormack, 45 Marsden Wynd, East Kilbride, Glasgow, G75 9PX	15.04.2022
Mrs Kirsty McCormack, 45 Marsden Wynd, East Kilbride, Glasgow, G759PX	15.04.2022
Mrs Fiona McKenzie, 21 Marsden Wynd, East Kilbride, G75 9PX	15.04.2022
Miss Kerry McCormack, 9 South Shields Drive, East Kilbride, Glasgow, G75 9PG	28.04.2022
Mr Alexander Gear, 4 South Shields Drive, Benthall Farm, East Kilbride, G75 9PH	28.04.2022
Mr Scott Herbert, 65 Marsden Wynd, East Kilbride, G75 9PX	25.04.2022
Mrs Gillian Harries, 3 Cleughearn Road, Auldhouse, East Kilbride, G75 9DZ	29.04.2022
Mr Ian Ferguson, 348 Auldhouse Road, Auldhouse, South Lanarkshire, G75 9DX	29.04.2022
Mr James Taggart, Causeyhead Farm, 248 Auldhouse Rd, East Kilbride, Glasgow, G75 9dt	29.04.2022
Mr Steven McGill, 5 South Shields Drive, Benthall Farm, East Kilbride, G75 9PG	30.04.2022
Mr Lyle Spark, 16 Westoe Path, East Kilbride, G759PS	21.04.2022
Mr Ken MacDonald, 54 Lochranza Lane, East Kilbride, g759ng	31.05.2022
Mr James Forrest, 29 Horsleyhill, Auldhouse, East Kilbride, G75 9PL	29.04.2022
Mrs Charlotte Simmons, 1 Sandhaven Gardens, Benthall Farm, East Kilbride, G759PJ	15.04.2022
Mrs Stacey Stillie, 3 Marsden Wynd, Glasgow, G759PX	15.04.2022
Mrs Katrina Davidson, 62 Scholars Gate, East Kilbride, G75 9JL	16.04.2022
Mrs Elaine Johnston, 37 Marsden Wynd, East Kilbride, G75 9PX	17.04.2022

Mrs Rebecca Hay, 38 Langlands Road, Auldhouse, East Kilbride, G75 9DW	29.04.2022
Mr Pradeep Bora, 52 Tyne Avenue, East Kilbride, G75 9PT	16.04.2022
Miss Kayleigh Christie, 16 Westoe Path, East Kilbride, G75 9PS	21.04.2022
Miss Natalie Cummiskey, 8 Horsleyhill, East Kilbride, G75 9PL	23.04.2022
Mrs Margaret Taggart, Causeyhead Farm,, 248 Auldhouse Rd, Glasgow, G75 9DT	29.04.2022
Mr Calum Simpson, 14 The Leas, Benthall Farm, East Kilbride, G75 9PY	15.04.2022
Mrs Fraser Murray, 36 Tyne Avenue, East Kilbride, G75 9PT	15.04.2022
Mr Craig Stewart, 29 Horsleyhill, Auldhouse, East Kilbride, G75 9PL	21.04.2022
Mr David Bavaird, 10 Catacol Court, East Kilbride, Glasgow, G75 9FW	26.04.2022
Miss Lauren Smillie, 12 The Leas, Benthall Farm, East Kilbride, G75 9PY	16.04.2022
Ms Angela Gentles, 38 Tyne Ave, East Kilbride, G75 9PT	29.04.2022
Mrs Melissa Milne, 12 The Leas, Benthall Farm, East Kilbride, G75 9py	15.04.2022
Mr Gareth Kearney, 47 South Shields drive, East Kilbride, G75 9PG	15.04.2022
Miss Elidh Stevenson, 49 Marsden Wynd, Glasgow, G75 9PX	15.04.2022
Mr John McCartney, 31 Tyne Avenue, East Kilbride, G75 9PT	15.04.2022
Mr David Johnston, 37 Marsden Wynd, East Kilbride, G75 9PX	29.04.2022
Mrs Carol Ann Bradley, 18 Tyne Avenue, Benthall Farm, East Kilbride, G75 9PT	28.04.2022
Rebecca Hay, 38 Langlands Road, Auldhouse, Glasgow, South Lanarkshire, G75 9DW	05.05.2022
Mrs A Dingwall, Lyndsayfield, East Kilbride, G75	17.11.2022
Mr Paul Reilly, 18 Marsden Wynd, East Kilbride, G75 9PX	16.11.2022
Mrs Joanne Glassford, 21, South Shields Drive, East Kilbride, G75 9PG	16.11.2022

Mrs Angela Brodie, 85 Innes Court, East Kilbride, G74 4RY	17.11.2022
Mr David Clelland, 19 South Shields Drive, Benthall Farm, East Kilbride, G75 9PG	17.11.2022
Taylor Wimpey, Received Via Email	03.11.2022
Mr Scott Mathewson, 17 South Shield Drive, East Kilbride, G75 9PG	17.11.2022
Mrs Emma Clelland, 19 South Shields Drive, East Kilbride, G75 9PG	17.11.2022
Miss Laura Timpany, 35 Horsleyhill, East Kilbride, G75 9PL	16.11.2022
Miss Elidh Stevenson, 49 Marsden Wynd, East Kilbride, G75 9PX	17.11.2022
Miss Emma Brodie, 17 South Shields Drive, East Kilbride, G75 9PG	17.11.2022
Heather Fairgrieve, 2 Littlehaven Terrace, Glasgow, G75 9PW	18.11.2022
Mr Chris Watson, 2 Littlehaven Terrace, Glasgow, G75 9PW	19.11.2022
Mrs Mary Brown, 43 Horsleyhill, East Kilbride, Glasgow, G75 9PL	12.01.2023
Mr Alexander Cameron, 43 Horsleyhill, East Kilbride, Glasgow, G75 9PL	12.01.2023

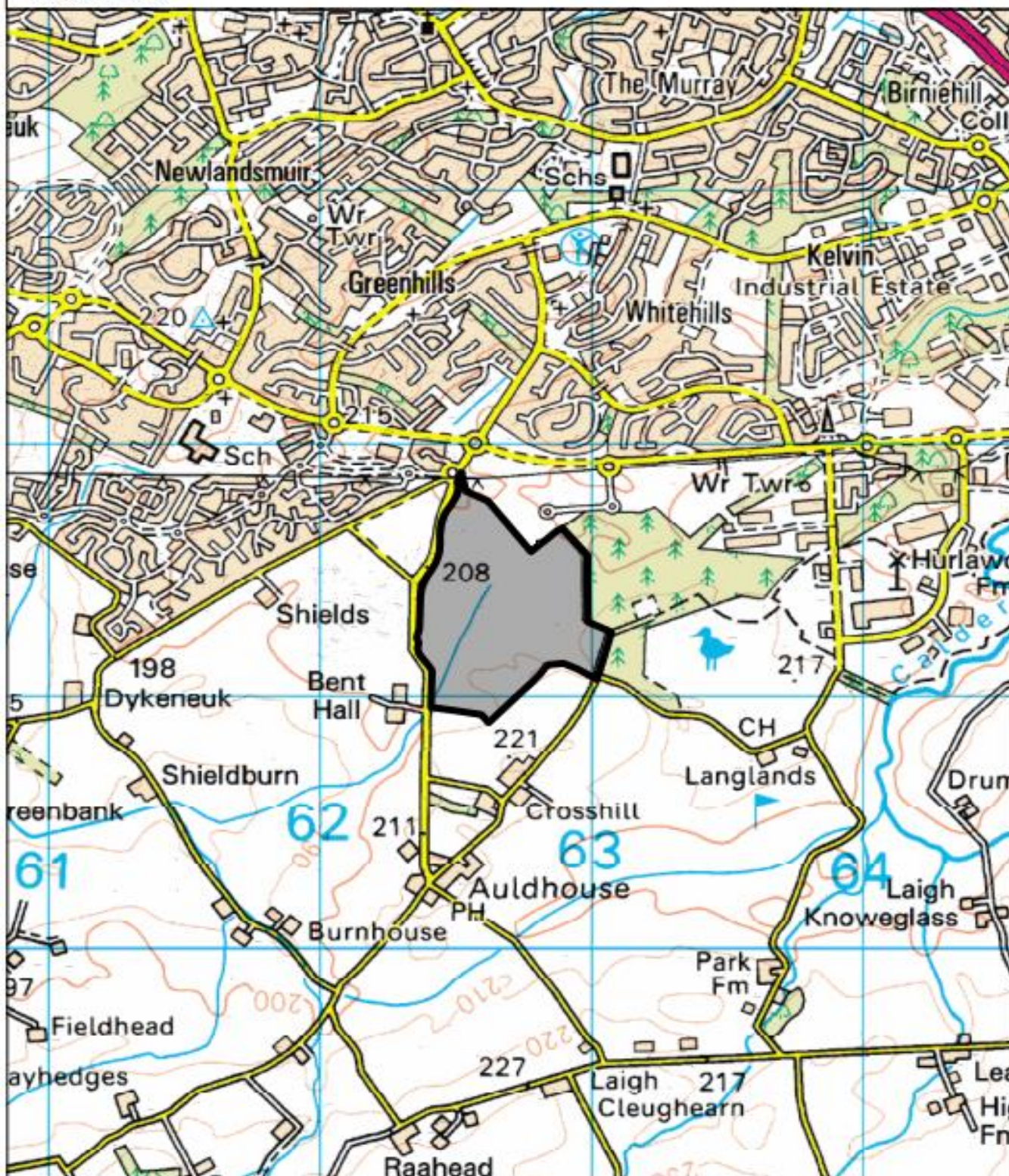
Contact for further information

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 1 Spatial Strategy of the South Lanarkshire Local Development Plan 2 in that the proposed Masterplan does not reflect the requirements of the SLLDP2 for the Langlands West Development Framework Site in terms of the extent of residential development proposed.
02. The proposal is contrary to Policy 11 Housing of the South Lanarkshire Local Development Plan 2 and Policy 16 of the National Planning Framework 4 in that the proposal is not identified in the current Housing Land Supply and there is no shortfall in the five year supply of effective land for housing development therefore no requirement for further sites to be added to the land supply in East Kilbride.
03. The proposal is contrary to Policies 1, 2, 5, 14, DM1 and NHE11 of the South Lanarkshire Local Development Plan 2 in that the submitted Carbon Risk Assessment fails to provide a sufficient level of detail in respect of the treatment and storage of peat on the site and a Peat Management Plan and Habitat Management Plan have not been provided, in order to effectively assess the potential impacts of the proposal to an extent where the Council and SEPA would be satisfied that proposed mitigation measures are sufficient to address any potential impacts on and minimise disturbance of carbon rich soils.
04. The proposal is contrary to Policy 5 (a), (c) and (d) of the National Planning Framework 4 in that an insufficient level of information has been provided to demonstrate that the proposed development will minimise disturbance to soils and will be constructed in a manner that protects soil from damage, as the submitted information does not identify, to a sufficient extent:-
 - i. the baseline depth, habitat condition, quality and stability of carbon rich soils;
 - ii. the likely effects of the development on peatland, including on soil disturbance; and
 - iii. the likely net effects of the development on climate emissions and loss of carbon and the proposal is not of a development type which is supported by NPF4 on peatland, carbon-rich soils and priority peatland habitat.



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Scale:
1:20,000
Date:
24/02/2023



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

8

Report to:	Planning Committee
Date of Meeting:	21 March 2023
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/22/1030
Planning proposal:	Erection of 18 Dwellinghouses and Associated Infrastructure

1 Summary application information

Application type:	Detailed planning application
Applicant:	C and S Partnership Homes
Location:	Site of Former Netherburn Primary School Draffan Road Netherburn Larkhall

2 Recommendation(s)

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

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

2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) If planning consent is granted, the decision notice should be withheld until an appropriate obligation under Section 75 of the Planning Act and/or other appropriate agreement has been concluded between the applicant and the Council in respect of a financial contribution relating to:-

- a) the phasing, improvement and upgrading of community facilities.

In accordance with agreed procedure, should there be no significant progress, on behalf of the applicant, towards the conclusion of the Planning Obligation or other legal agreement within 6 months of the date of the Committee, the proposed development may be refused on the basis that, without the planning control/developer contribution which would be secured by the Planning Obligation or legal agreement, the proposed development would be unacceptable. If, however, this matter is being progressed satisfactorily the applicant will be offered the opportunity to enter into a Processing Agreement, if this is not already in place. This will set an alternative agreed timescale for the conclusion of the Planning Obligation or alternative agreement.

All reasonable legal costs incurred by the Council in association with the above shall be borne by the developers.

3 Other information

- ◆ Applicant's Agent: Stuart Bishop
- ◆ Council Area/Ward: 20 Larkhall
- ◆ **South Lanarkshire Local Development Plan 2 (adopted 2021)**
 - Policy 1 - Spatial Strategy
 - Policy 2 – Climate Change
 - Policy 3 - General Urban Areas and Settlements
 - Policy 5 - Development Management and Place Making
 - Policy 7 - Community Infrastructure Assessment
 - Policy 15 - Travel and Transport
 - Policy 16 - Water Environment and Flooding
 - Policy DM1 - New Development Design
 - Policy SDCC2 - Flood Risk
 - Policy SDCC3 - Sustainable Drainage Systems
 - Policy SDCC4 - Sustainable Transport
 - Policy DM15 - Water Supply

South Lanarkshire Council Residential Design Guide (2011)

National Planning Framework 4 (adopted 13 February 2023)

- Policy 1 - Tackling the climate and nature crises
- Policy 2 - Climate mitigation and adaptation
- Policy 3 – Biodiversity
- Policy 13 - Sustainable transport
- Policy 14 - Design, quality, and place
- Policy 15 - Local living and 20-minute neighbourhoods
- Policy 16 - Quality homes
- Policy 18 - Infrastructure first
- Policy 22 - Flood risk and water management

◆ **Representation(s):**

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

◆ **Consultation(s):**

Roads Development Management Team
Environmental Services
Roads Flood Risk Management
Scottish Water
Estates Services - Housing and Technical Resources
Community and Enterprise Resources
The Coal Authority Planning and Local Authority Liaison
Access Development Officer

Planning Application Report

1 Application Site

- 1.1 The application relates to an area of brownfield land associated with the former Netherburn Primary School, located on Draffan Road on the edge of Netherburn. The application site is relatively flat and extends to approximately 0.41 hectares. Immediately adjacent housing is 2 storey detached to the south and single storey detached to the east and north. To the north east, a modern development comprises of a mix of 2 and 2.5 storey houses. To the west there is an open aspect and outlook to the surrounding fields. To the north there is a farmer's track linking Draffan Road to the fields beyond.

2 Proposal(s)

- 2.1 This is a detailed planning application for the erection of 18 dwellinghouses and associated infrastructure. The site layout indicates four terraced blocks, two blocks of 5 and two blocks of 4 comprising 5 No. 2 bedroom dwellings and 13 No. 3 bedroom properties with associated garden ground, bin storage/lanes and 36 car parking spaces.
- 2.2 Amended plans were submitted following comments from the Planning and Roads Service. The main changes related to the proposed bins for blocks 3 and 4 which have been moved from the front of the properties to the rear of the properties, in the interests of amenity. This has resulted in a reconfiguration of rear gardens/access paths. The parking/road layout geometry has been altered to address Roads requirements to ensure that the internal roads should be 5.5m in width, with the footways being 2m in width. The footway along the developments frontage on Draffan Road has been increased to 2m in width. In addition, the applicant has omitted the path connection to the north of the site from the design. Given the minor nature of the changes, there was no requirement to reissue neighbour notification.
- 2.3 The submission also includes a Design Statement and a Coal Mining Risk Assessment.

3 Background

3.1 Local Plan Background

- 3.1.1 In terms of local plan policy, the application site is designated as a general urban area/settlement in the adopted South Lanarkshire Local Development Plan 2. The relevant policies in terms of the assessment of the application are Policy 1 - Spatial Strategy, Policy 2 - Climate Change, Policy 3 - General Urban Areas and Settlements, Policy 5 - Development Management and Place Making, Policy 7 - Community Infrastructure Assessment, Policy 15 - Travel and Transport, Policy 16 - Water Environment and Flooding, Policy DM1 - New Development Design, Policy DM15 - Water Supply, Policy SDCC2 - Flood Risk, Policy SDCC3 - Sustainable Drainage Systems and Policy SDCC4 – Sustainable Transport of the adopted South Lanarkshire Local Development Plan 2. The content of the above policies and documents and how they relate to the proposal is assessed in detail in Section 6 of this report.

3.2 Relevant Government Advice/Policy

- 3.2.1 The National Planning Framework 4 (NPF4) was approved by the 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 3 – Biodiversity

Policy 13 - Sustainable transport
Policy 14 - Design, quality, and place
Policy 15 - Local living and 20-minute neighbourhoods
Policy 16 - Quality homes
Policy 18 - Infrastructure first
Policy 22 - Flood risk and water management

In this instance, it is considered that the proposal accords with the general provisions of the policy context of NPF4.

3.3 **Planning Background**

3.3.1 There is no recent planning history in this instance.

4 **Consultation(s)**

4.1 **Roads and Transportation Services** – No objection subject to the imposition of planning conditions relating to parking, visibility, submission of a traffic management plan, driveway gradients and the undertaking of an invasive weed survey. It is also noted that each dwelling requires an electric vehicle charging point. A Road Construction Consent will be required for the development along with a road bond. A section 56 Road Opening Permit will also be required for the formation of the access and any other works which involve breaking into the public road.

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

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

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

4.3 **Scottish Water** – No objection.

Response: Noted.

4.4 **Estates Services - Housing and Technical Resources** - No objection.

Response: Noted.

4.5 **Community and Enterprise Resources** – Stated that £1500 would be required per unit to invest in local community provision / open space.

Response: The applicant has been advised of this and agree to pay the appropriate sum to the Council.

4.6 **Access Development Officer** – commented that the Council has no adopted core path or recorded right of way (or any mapped path) along the access track which is outwith the application boundary so should not be affected during works.

Response: Noted.

4.7 **Roads Flood Risk Management** – No objection commenting that a flood risk assessment shall be submitted for review together with all five appendices from their developer design guidance. It is noted from the drainage layout drawing that surface water discharging from the site drains to a system located within nearby Provost Crescent. The applicant is required to demonstrate that this receiving infrastructure can adequately accommodate additional flows.

Response: The imposition of planning conditions will achieve this.

4.8 **The Coal Authority** – No objection following the submission of a coal mining risk assessment subject to the imposition of a standard informative.

Response: Noted.

5 Representation(s)

5.1 Statutory neighbour notification procedures were undertaken, and six letters of representation have been received in relation to the application. The matters raised in the representations are summarised as follows: -

- (a) **Overlooking/loss of privacy to neighbouring properties rear gardens as houses will be opposite our house, as well as entrance/exit being right across from our living areas/bedrooms. It further appears that the ground levels of this site will be significantly raised which will further compound the issue of overlooking for both 50 and 52 Draffan Road.**

Response: The application site is a general urban area/settlement where a degree of mutual overlooking is commonplace. Consequently, the critical aspect is whether the proposal will materially intensify any overlooking/loss of privacy. It is considered that given the separation distances and in some instance the juxtaposition between the existing and proposed properties, the proposal would be within acceptable parameters, all aspects considered, and would not result in a material loss of privacy that would merit refusal of the application.

- (b) **The scale of the proposed development for 18 houses is not in keeping with the character of the village and will almost double the number of houses on Draffan Road. The type of housing is not in keeping with the surrounding areas. The finished heights of the dwellings are significantly higher than any surrounding property; most of the neighbouring properties are bungalows and the height of the development, and houses, is severely out of keeping with the character of the area. This will significantly adversely impact the visual amenity and character of the rural location. The finished look of the housing within the development is not in keeping with the overall character of surrounding property. The density of housing within the site is excessive and not in keeping with a rural location or the prevailing mature character of the village.**

Response: The surrounding area has various styles of properties that have been constructed in a variety of materials and therefore there is no uniformity of character in terms of external appearance. In addition, it is not a conservation area or other recognised environmentally sensitive location. The proposed design is considered to be acceptable and it is considered that the bespoke design and layout in itself does not provide sufficient grounds to refuse planning consent in this instance. The development is of a high-quality design incorporating a suitably high standard of materials.

- (c) **Inadequate/insufficient information is provided on the condition and potential contamination of the site. No site engineering or site investigation report/Contaminated Land Desktop or Intrusive Report has been submitted for public inspection.**

Response: Environmental Services have commented that historical land use data does not show any previous industrial contaminative previous uses to justify a site investigation.

- (d) **Has a traffic assessment been undertaken? Draffan Road is a relatively quiet road in the direction of Blackwood and there is a potential for significant increase in daily traffic movement, during and after construction and the access roads are already in poor condition. Is there an intention to divert construction traffic towards and through Netherburn Village in preference to allowing construction traffic to utilise the Draffan Road from the Blackwood direction.**

Response: Roads and Transportation Services have raised no objection to the proposal and have not requested a traffic assessment to be undertaken. They have requested that before any work starts, a Traffic Management Plan (TMP) for the construction phase, with information such as, but not limited to, construction phasing, site deliveries and routing/timings, construction compound layout, turning facilities, site car parking for visitors and site operatives and wheel washing facilities shall be submitted to and approved by the Council as Planning Authority. The TMP shall include a Travel Plan element to encourage less reliance on individual private car trips to the site for those personnel involved in construction activities on a routine basis and those attending through the course of site inspections and site meetings. The TMP shall be produced in consultation with the Council's Roads and Transportation Services, Police Scotland and Transport Scotland.

- (e) **I note the comment from Environmental Services makes reference to the control of piling activity. There is no document on the application portal that mentions piling activity. Can you confirm if piling operations are to be undertaken? I would, again, request a dilapidation survey be undertaken at my property prior to commencement of any piling activity. I believe allowing construction traffic to use the road directly outside my home may cause damage to my property due to road borne vibration. I would request that dilapidation reports are undertaken at my dwelling and other similarly affected dwellings.**

Response: Environmental Services have commented that there has been no suggestion that piling will be required, however, a condition will be applied as developers often choose piling as the most cost-effective method of stabilising ground. Should the developer wish to use piling methods, the consultants undertaking the piling method statement will determine on a property by property basis which properties (if any) require a dilapidation survey. It often takes many years for construction to start after planning is granted. For this reason, it's preferable that the piling method statement is undertaken shortly prior to works starting on site rather than years before so it's accurate to the local conditions at the time of the works.

- (f) **I note that a mature tree located within my neighbour's garden vanishes from the renderings of the site. Please explain this disappearing trick.**

Response: The applicant has advised that trees outwith the development site boundary will not be affected.

- (g) **There is other housing development elsewhere in Netherburn on a larger scale. This would seem to make this development unnecessary and overly burdensome upon the already challenged or lacking community facilities such as schools, nursery provision, shopping, community facilities, such as village halls, and public transport. Lack of infrastructure in village to support all these houses. e.g., shop, size of school and there is no provision for a children's' play area. This will necessitate that children play on the surrounding streets. This is not a safe space and there is no traffic calming measures on the approaches to the development. Additionally, concerns regarding the lack of off-road play/ recreational areas for children to use in this area of the village. Historically a play area in relation to Manorlane housing development was not provided and it is pleaded that this site is used as a play area. It is understood that a land owner (Duke of Hamilton) around 1900 gave the ground for the school and playground to the people of Netherburn (old). The District Council of that time built the school and playgrounds. In 2014**

the old school on Draffan Road was demolished which as the District Council had built the school, they were entitled to do but the playground for the school remains intact. Having demolished the school we are in the situation that the whole plot within the inclosing fence is the playground part of the original School and Playground, which was given in 1900 to the people of Netherburn.

Response: Given the size of the proposed development there is no requirement for the provision of a children's play area on site.

- (h) **Loss of outlook from neighbouring properties exacerbated by the raising of the ground level and the 2.5 storey design of the property.**

Response: Loss of outlook does not constitute a material planning consideration in the assessment of a planning application.

- (i) **Light intrusion will have a significant impact upon neighbouring properties. What lighting scheme/mitigation is proposed to minimise this impact of street lighting?**

Response: As detailed previously, Environmental Services have no objection to the proposal and have raised no objections in this regard.

- (j) **A constraint upon the site would appear to be the presence of overhead electricity network transmission cabling. What consideration has been given to the removal/repositioning of this infrastructure?**

Response: The applicant has commented that the existing overhead electric infrastructure is all outwith the site, albeit immediately adjacent. There are no proposals for any relocation of this infrastructure.

- (k) **What consideration has been given to the drainage of surface water from the site and why is there not a proposal for a SUDS scheme?**

Response: A drainage design has been submitted as part of the planning application, and the applicant has advised that further detail design will be carried out in accordance with statutory requirements. SUD's infrastructure is proposed, as shown within the application. The imposition of planning condition shall ensure 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. In addition, planning conditions will be imposed to ensure that prior to the commencement of works on site, a flood risk assessment is submitted and the applicant shall submit evidence to demonstrate that the receiving infrastructure can adequately accommodate surface water discharging from the site.

- (l) **I have noticed the presence of badgers and bats in this area. What consideration has been given to the preservation/protection of such species and the overall biodiversity of the area? Has a wildlife survey been undertaken?**

Response: The application site is a brownfield site which previously occupied a primary school which was demolished. In addition, there are no mature trees on the site. On this basis it is unlikely that the development of the site would raise any issues in this regard. Nevertheless, the imposition of a planning condition will ensure that prior to the commencement of works on site, a wildlife

and habitat survey shall be undertaken to determine whether any protected species occupy the site.

- (m) **Increased volume of traffic onto Draffan Road across from our house and entrance/exit very close to roundabout. Risk of more on street parking on Draffan Road and impact on other vehicles, access to properties and congestion with farm vehicles which use the road frequently. What additional provision has been made for visitor parking to the proposed development to avoid on street parking on Draffan Road itself. I note that Draffan Road is not on the bus route for Netherburn. Is it intended that a new bus route/stop will be created in the immediate vicinity?**

Response: As detailed previously Roads and Transportation Services have raised no objection to the proposal and have not requested a new bus stop.

- (n) **What control measures are proposed to prevent employees/contractors parking on Draffan Road during construction?**

Response: Roads have requested that before any works starts a Traffic Management Plan (TMP) shall be submitted to and approved by the Council as Planning Authority. The TMP shall include a Travel Plan element to encourage less reliance on individual private car trips to the site for those personnel involved in construction activities on a routine basis and those attending through the course of site inspections and site meetings. The TMP shall be produced in consultation with the Council's Roads and Transportation Services, Police Scotland and Transport Scotland.

- (o) **Has a radon survey been undertaken for the site?**

Response: Environmental Services have commented that geological data show the area to be Level 1 – Low risk for radon. Radon surveys are only requested at Level 3 and above. There is no level 3 geology anywhere near this development.

- (p) **I note from the documents that there is to be a retaining wall on the boundary of the site. Why is this necessary and that will mean that the finished heights of boundary fencing will be 1.8 metre. This would seem unnecessarily high for fencing in a rural location and will cause visual blight. What is the reason for the significant changes to the ground levels and has the issue of potential flooding to neighbouring property been considered at this point?**

Response: The applicant's agent has advised that the site levels are dictated by the existing drainage infrastructure. The raised levels within the site are necessary due to significant constraints imposed by the existing drainage infrastructure. The existing public sewer into which the proposed development connects has a fixed invert level. The new connections have been designed at as shallow a gradient as technically possible. These gradients then set the floor levels for each dwelling. This in turn sets the surrounding external ground levels, resulting in a requirement for some areas of the site to be raised. The design has been carefully considered to ensure the minimum amount of raised levels that are technically allowable. Flooding analysis will be carried out in due course in accordance with statutory requirements.

- (q) **I further note that the engineers report, pertaining to the retaining walls, is not published on the portal. Why is that and how can it be viewed?**

Response: An engineer's report pertaining to the retaining wall has not been submitted. The imposition of a planning condition will ensure that a geotechnical and structural design report shall be prepared and presented to the Council as Planning Authority for approval and such approval shall be obtained before any ground works commence. The report shall include all the necessary drawings, calculations and analysis to demonstrate that the earthworks, soil slopes and retaining walls will be stable.

- (r) **I note that there is an access road and public footpath along the northern boundary of the site. This road is utilised by the local farmers to gain access to his fields and livestock all year round. How will this access and right of way be preserved during construction?**

Response: The applicant has advised that access along this track will be maintained during the construction phase. Any temporary impact on this track will be agreed in advance with the landowner.

- (s) **If the level of the site is to be significantly increased then what measures will be taken to ensure that the imported fill materials are inert and can be verified as such during land-forming?**

Response: The applicant has commented that any imported material will be procured in accordance with statutory / legal processes.

- (t) **Noise and environmental pollution from increased housing and traffic.**

Response: Environmental Services have no objection to the proposal as detailed previously.

- (u) **Loss of sunlight/daylight to neighbouring properties**

Response: All forms of development will generate a shadow of some description and therefore it is the extent and size of shadow that is important. Given the position of the existing dwellings and the proposed properties, the size of gardens and the travel path of the sun, it is considered that there will not be a significant or material impact in terms of overshadowing/loss of daylight that would merit refusal of this application.

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

6 Assessment and Conclusions

6.1 The applicant seeks detailed planning permission for the erection of 18 dwellinghouses and associated infrastructure. The determining issues in consideration of this application are its compliance with national and local plan policy and its impact on the amenity of adjacent properties and on the local road network.

6.2 In general land use and policy terms, the principle of residential development at this location is considered to be acceptable as the application site is designated as a general urban area/settlement in the adopted South Lanarkshire Local Development Plan 2. The proposal involves the re-use of a former school site. It is, therefore, considered that the proposal is in accordance with national planning policy.

6.3 In terms of local plan policy, the relevant policies in terms of the assessment of the application are Policy 1 - Spatial Strategy, Policy 2 - Climate Change, Policy 3 - General Urban Areas and Settlements, Policy 5 - Development Management and Place Making, Policy 7 - Community Infrastructure Assessment, Policy 11 - Housing Land, Policy 15 - Travel and Transport, Policy 16 - Water Environment and Flooding, Policy DM1 - New Development Design, Policy DM15 - Water Supply, Policy SDCC2

- Flood Risk and Policy SDCC3 - Sustainable Drainage Systems of the adopted South Lanarkshire Local Development Plan 2.

- 6.4 As the application site is designated as a general urban area/settlement under the terms of Policy 3, therefore, the principle of the proposal is acceptable and the application conforms with the terms of Policy 3.
- 6.5 Policies 1 and 2 encourage sustainable economic growth and regeneration, a move towards a low carbon economy, the protection of the natural and historic environment and mitigation against the impacts of climate change. In line with these policies, the proposal involves the development of a previously developed site which is located on a former school site within Netherburn, and where the principle of residential use is considered to be acceptable.
- 6.6 In terms of the detailed design of the development, Policies 5 and DM1 generally require new development to have due regard to the layout, form, design and local context of the area and to promote quality and sustainability in its design. In this instance, it is considered that the proposed layout for the development is acceptable and that it generally meets the main standards set out in the Council's Residential Design Guide, particularly in relation to window to window distances, garden ground, and car parking. It is considered that the buildings have been designed and positioned within the site sufficiently to ensure that they should have no significant adverse impact on any adjacent existing dwellings in terms of loss of light and overshadowing and likewise, in terms of overlooking and loss of privacy. Sufficient levels of amenity space and car parking are being provided for the dwellings. The proposed design is considered to be acceptable and to some extent reflects the character of the immediate surrounding area. The proposed access arrangements have been assessed and are considered to be acceptable by the Council's Roads and Transportation Service. In view of the above, it is considered that the proposed development would relate satisfactorily to adjacent residential development in terms of its scale, design and materials and that the character and amenity of the area would not be impaired by reason of traffic generation, parking or visual intrusion. The proposal is, therefore, considered to be in accordance with the terms of Policies 5 and DM1.
- 6.7 With regard to Policy 7, the applicant has advised that the development is not intended to be constructed for affordable housing. Consequently, a contribution is required to be paid to the Council per unit, in order to invest in local community provision/open space. The applicant has agreed to make an appropriate contribution.
- 6.8 Policy 15 and SDCC4 seeks to ensure that development considers, and where appropriate, mitigates the resulting impacts of traffic growth and encourages sustainable transport options that take account of the need to provide proper provision for walking, cycling and public transport. The site is accessible, and the development would be integrated into transport walking networks. In this regard, Roads and Transportation Services are satisfied that the proposal raises no access, parking or road safety issues. It is, therefore, considered that the proposal complies with Policy 15.
- 6.9 The proposal has been assessed by the relevant consultees in terms of Policies 16, DM15, SDCC2 and SDCC3. With regard to flooding and surface water drainage, no adverse comments were raised by Roads and Transportation Services (Flooding) subject to the Council's Sustainable Urban Drainage Systems (SUDS) design criteria being satisfied through the completion of the standard self-certification documents and the submission of a Flood Risk Assessment. Scottish Water have also confirmed that

they have no objections to the application and any consent granted would include a condition to ensure that no dwellings are occupied until the site is served by a sewerage scheme constructed in accordance with Scottish Water standards. It is, therefore, considered that the proposal is in accordance with the terms of the above policies.

- 6.10 The National Planning Framework 4 was adopted on 13 February 2023 and now forms part of the Development Plan. In this instance, having assessed the proposals against the policies contained therein, there are no provisions that would change the assessment of the proposal or the conclusions reached, in the context of the local development plan.
- 6.11 In summary, the proposal relates to the creation of a high quality housing development on a vacant site. The design, layout and general impact of the development is considered to be acceptable and the proposals comply with the relevant policies contained in the adopted Local Development Plan. In view of the above, it is recommended that planning consent be granted subject to conditions.

7 Reasons for Decision

- 7.1 The proposal raises no amenity, environmental or infrastructure issues and complies with Policies 1, 2, 3, 5, 7, 15, 16, DM1, SDCC2, SDCC3, SDCC4 and DM15 of the adopted South Lanarkshire Local Development Plan 2.

David Booth
Executive Director (Community and Enterprise Resources)

Date: 9 March 2023

Previous references

- ◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ National Planning Framework 4 (adopted 13th February 2023)
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 11.08.2022
- ▶ Press advert dated 25.08.2023
- ▶ Design statement
- ▶ Coal Mining Risk Assessment

- ▶ Consultations
 - Roads Development Management Team 22.02.2023
 - Environmental Services 15.08.2022
 - Roads Flood Risk Management 22.12.2022
 - Scottish Water 15.08.2022
 - Estates Services - Housing and Technical Resources 11.08.2022
 - Community and Enterprise Resources 01.12.2022

Access Development Officer 24.10.2022

The Coal Authority 14.12.2022

► Representations	Dated:
Mrs Elizabeth Rundell, 11 Draffan Road, Netherburn, Larkhall, ML9 3DE	20.08.2022
Ms Maureen Gray, Franorst, 9 Draffan Rd, Netherburn, ML9 3de	17.08.2022
Ms Carol Stewart, 52 Draffan Road, Netherburn, Larkhall, Glasgow, ML9 3DE	24.09.2022
Ms Maureen Gray, Franorst, 9 Draffan Rd, Larkhall, ML9 3DE	29.08.2022
Mrs Margaret Baillie, Bogside Farm, Ashgill, Larkhall, ML9 3DN	05.10.2022
Mr Philip Kelly, 52 Draffan Road, Netherburn, Larkhall, ML9 3DE	24.09.2022

Contact for further information

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

Bernard Darroch

Area Manager, Floor 6, Council Offices, Almada Street, Hamilton, ML3 0AA

Phone: 07557 541 360

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

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

04. That before any of the dwellinghouses situated on the site upon which a fence is to be erected is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 3, shall be erected and thereafter maintained to the satisfaction of the Council.

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

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

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

06. 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.

07. That before the development hereby approved is completed or brought into use, a visibility splay of 2.4 metres by 43 metres measured from the road channel shall be provided on both sides of the vehicular access as indicated in Drawing PL(90)003 Rev A of the approved plans and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of traffic and public safety.

08. That none of the driveways shall have a gradient in excess of 1:10.

Reason: In the interests of traffic and public safety.

09. That before the development hereby approved is completed or brought into use, all of the parking spaces shown in Drawing L(90) 05 of the approved plans shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.

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

10. That before any work starts, a Traffic Management Plan (TMP) for that construction phase with information such as, but not limited to, construction phasing, site deliveries routing (HGV construction traffic will be advised to travel via B7078/Draffan Road), timings, construction compound layout, turning facilities, site car parking for visitors and site operatives and wheel washing facilities shall be submitted to and approved in writing by the Council as Planning Authority. The TMP shall include a Travel Plan element to encourage less reliance on individual private car trips to the site for those personnel involved in construction activities on a routine basis and those attending through the course of site inspections and site meetings. The TMP shall be produced in consultation with the Council's Roads & Transportation Service, Police Scotland and Transport Scotland.

Reason: In the interests of traffic and public safety.

11. The recommendations contained within the approved Traffic Management Plan shall be implemented and adhered to at all times. The developer shall notify the Council in writing, as soon as reasonably practical, of any changes in construction activities where these will have an impact on the approved TMP. The developer will consult with the Council, as Roads Authority, together with Police Scotland and Transport Scotland to agree in writing any changes to the TMP, and thereafter adhere to and implement the agreed changes to the satisfaction of the Council as Planning Authority.

Reason: In the interests of traffic and public safety.

12. That unless otherwise agreed, the applicant shall undertake an invasive weed survey, which shall include nuisance weeds such as Horsetail, and submit the findings of the survey along with their proposed remediation strategy, all for the written approval of the Council as Roads and Planning Authority, prior to commencement on site of any topsoil stripping or other earthworks. That no invasive weeds or nuisance weeds shall be permitted below or within influencing distance of the public road. Once approved, all works shall be progressed in accordance with the agreed remediation strategy.

Reason: To remove the presence of invasive weeds from the site and ensure the site is suitable for development.

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

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

14. That prior to the commencement of any works on site, a wildlife and habitat survey shall be undertaken to determine whether any protected species occupy the site.

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

15. That no piling works shall be carried out until a method statement has been submitted to and approved in writing by the Planning Authority. This statement shall include an assessment of the impact of the piling on surrounding properties, taking into account the guidance contained in BS 6472: 1992 'Evaluation of human exposure to vibration in buildings'. It shall detail any procedures which are proposed to minimise the impact of noise and vibration on the occupants of surrounding properties. This statement shall be prepared by a suitably qualified person, and the piling works shall thereafter be carried out in accordance with the approved method statement.

Reason: To ensure minimal noise, vibration and disturbance to neighbouring residents/occupants during construction.

16. That, unless otherwise agreed in writing and prior to works commencing on site, the applicant shall submit details to demonstrate the dwellinghouses have access to their own electric vehicle charging (EVC) point. Thereafter, the agreed EVC provision shall be installed, commissioned, and maintained in accordance with the approved plans and specifications prior to that property which it serves being occupied.

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

17. That prior to commencement of work on site, a Flood Risk Assessment with reference made to CIRIA C624 and in accordance with the Reporting Requirements for Flood Risk Assessments issued by the Scottish Environmental Protection Agency (SEPA) shall be submitted together with all five appendices from the developer design guidance to and approved in writing by the Council as Planning and Roads Authority.

Reason: To ensure that there will be no increased risk of flooding to land and properties due to increased surface water run off and/or reduction of flood storage capacity.

18. That the proposed dwellings shall not be occupied until the flood prevention measures required under Condition 17 (above) have been completed in accordance with the approved scheme.

Reason: To ensure that there will be no increased risk of flooding to land and properties due to increased surface water run off and/or reduction of flood storage capacity.

19. That prior to the commencement of works on site, the applicant shall submit evidence to demonstrate that the receiving infrastructure can adequately accommodate surface water discharging from the site for the written approval of the Council as Planning and Roads Authority.

Reason: To ensure that there will be no increased risk of flooding to land and properties due to increased surface water run off and/or reduction of flood storage capacity.

20. That within 3 months of the date of this permission, 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: In the interests of amenity.

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

Reason: In the interests of amenity.

22. That a geotechnical and structural design report shall be prepared and presented to the Council as Planning Authority for approval and such approval shall be obtained before any ground works commence. The report shall include all the necessary drawings, calculations and analysis to demonstrate that the earthworks, soil slopes and retaining walls will be stable.

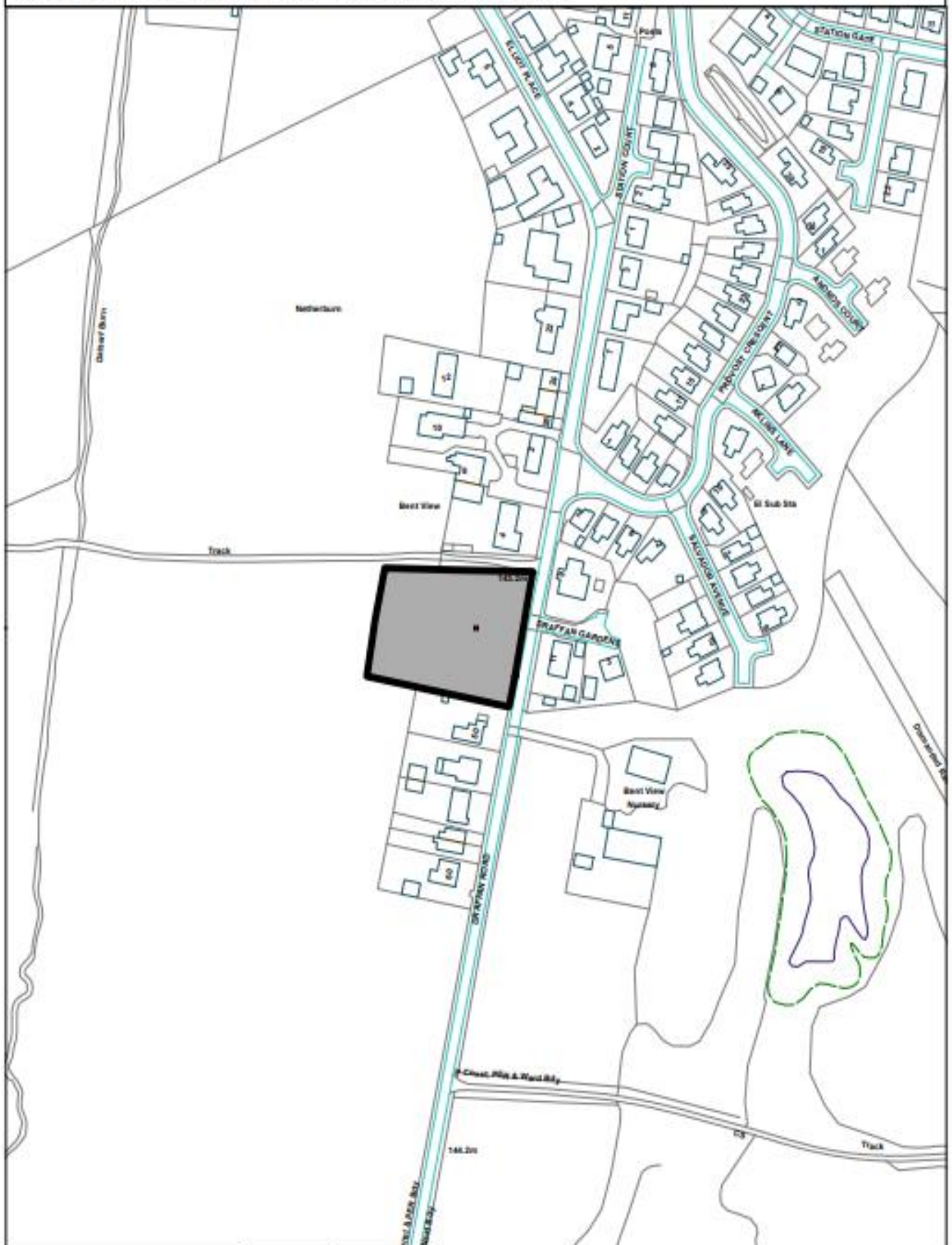
Reason: To ensure the stability of the site.

23. That before the development hereby approved is completed or brought into use, the entire access road and footpath network serving the development shown on Drawing No. L(90)05 shall be laid out and constructed in accordance with the specification of the Council as Roads and Planning Authority.

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

P/22/1030

Site of former Netherburn Primary School, Draffan Road, Netherburn



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Scale:
1:2,500
Date:
21/12/2022



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

9

Report to:	Planning Committee
Date of Meeting:	21 March 2023
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/22/1377
Planning proposal:	Substitution of House Types (Amendment to P/20/0023 for the Erection of 190 Dwellinghouses with Associated Roads, Drainage, Landscaping and Open Space)

1 Summary application information

- Application type: Detailed planning application
- Applicant: Walker Group
- Location: Land 360M NNE of Hallside Manse
Manse Brae
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:
- ◆ Council Area/Ward: 14 Cambuslang East
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (Adopted 2021)**

Policy 1 - Spatial Strategy
 Policy 2 - Climate Change
 Policy 3 - General Urban Areas and Settlements
 Policy 5 - Development Management and Placemaking
 Policy 7 - Community Infrastructure Assessment
 Policy 11 - Housing
 Policy 12 - Affordable Housing
 Policy 13 - Green Network and Greenspace
 Policy 14 - Natural and Historic Development
 Policy 15 - Travel and Transport

Policy 16 - Water Environment and Flooding
 Policy DM1 - New Development Design
 Policy DM16 - Foul Drainage/Sewerage Provision
 Policy NHE9 - Protected Species
 Policy NHE18 - Walking, Cycling and Riding Routes
 Policy SDCC2 - Flood risk
 Policy SDCC3 - Sustainable Drainage Systems

South Lanarkshire Council Residential Design Guide (2011)

National Planning Framework 4 (adopted 13 February 2023)

Policy 1 - Tackling the climate and nature crises
 Policy 2 - Climate mitigation and adaptation
 Policy 3 – Biodiversity
 Policy 4 - Natural places
 Policy 6 - Forestry, woodland, and trees
 Policy 7 - Historic assets and places
 Policy 13 - Sustainable transport
 Policy 14 - Design, quality, and place
 Policy 15 - Local living and 20-minute neighbourhoods
 Policy 16 - Quality homes
 Policy 18 - Infrastructure first
 Policy 22 - Flood risk and water management

♦ **Representation(s):**

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

♦ **Consultation(s):**

Roads Development Management Team

Planning Application Report

1 Application Site

- 1.1 This application relates to a proposed residential development of 190 dwellings on land north-east of Hallside Manse, Manse Brae, Cambuslang. The site, extending to approximately 18.3 hectares, is open grassland. The site is bounded to the west by Drumsagard village, to the south by Hamilton Road and to the north and east by open space/farmland. To the north is Hallside Road and a new housing estate. It is noted that the site rises from west to east along Hamilton Road.
- 1.2 The site, which is largely rectangular in shape, is mature grassland with a wide strip of trees running along the eastern boundary. A watercourse and an area of mature hedging runs along the south-western boundary of the site. and a high-pressure gas pipeline runs through the middle of the site.

2 Proposal(s)

- 2.1 This application is an amendment to planning application P/20/0023 which was approved for 190 dwellings with associated roads, drainage, landscaping and open space in 2021. The current proposal is also for 190 dwellings with associated roads, drainage, landscaping and open space, however, involves the substitution of house types across the site. It is noted that this still includes a mix of detached and semi-detached properties.
- 2.2 As per the previous consent, the proposed dwellings are sited over two separate areas with 135 dwellings on the northern section and 55 on the southern section. The developed site will be approximately 14.3ha with an additional 4ha of tree planting on the eastern boundary. This tree covered area will not be developed.
- 2.3 As before, access to the site will be from Hamilton Road to the south of the site, with a separate emergency vehicle access point to the north of the site from Hallside Road. The SUDs basins will be in the north-west and south-west corner of the site with a centrally located play area. New footpath links will be provided throughout the site and many of these will connect into existing paths. All the dwellings will be two storeys and finished in a mix of modern materials.

3 Background

3.1 Local Plan Status

- 3.1.1 In terms of land use, terms, the application site is identified within the South Lanarkshire Local Development Plan 2 (Adopted 2021) as being within both a general residential area and as forming part of the Council's housing land supply (Policy 11). As such, the following policies are all relevant to the assessment of this development:-

- ◆ Policy 1 - Spatial Strategy
- ◆ Policy 2 – Climate Change
- ◆ Policy 3 - General Urban Areas and Settlements
- ◆ Policy 5 – Development Management and Placemaking
- ◆ Policy 7- Community Infrastructure Assessment
- ◆ Policy 11 – Housing
- ◆ Policy 12 – Affordable Housing
- ◆ Policy 13 - Green Network and Greenspace
- ◆ Policy 14 - Natural and Historic Development
- ◆ Policy 15 - Travel and Transport
- ◆ Policy 16 – Water Environment and Flooding
- ◆ Policy DM1 – New Development Design
- ◆ Policy DM16 - Foul Drainage/Sewerage Provision

- ◆ Policy NHE9 - Protected Species
- ◆ Policy NHE18 - Walking, Cycling and Riding Routes
- ◆ Policy SDCC2 - Flood risk
- ◆ Policy SDCC3 - Sustainable Drainage Systems

3.2 **Relevant Government Advice/Policy**

3.2.1 The National Planning Framework 4 was approved by the Scottish Ministers on 13 February 2023 and now forms part of the Development Plan. As such, the following policies are all relevant to the assessment of this development:-

- ◆ Policy 1 - Tackling the climate and nature crises
- ◆ Policy 2 - Climate mitigation and adaptation
- ◆ Policy 3 – Biodiversity
- ◆ Policy 4 - Natural places
- ◆ Policy 6 - Forestry, woodland, and trees
- ◆ Policy 7 - Historic assets and places
- ◆ Policy 13 - Sustainable transport
- ◆ Policy 14 - Design, quality, and place
- ◆ Policy 15 - Local living and 20-minute neighbourhoods
- ◆ Policy 16 - Quality homes
- ◆ Policy 18 - Infrastructure first
- ◆ Policy 22 - Flood risk and water management

3.3 **Planning Background**

3.3.1 Planning permission was granted at the site in 2021 for 190 dwellings under application P/20/0023 subject to the conclusion of a legal agreement to cover matters relating primarily to developer contributions. This legal agreement has now been concluded and registered allowing planning permission P/20/0023 to be issued in November 2021.

4 **Consultation(s)**

4.1 **Roads Development Management Team** – no objections to the proposal subject to the attachment of conditions in relation to driveway gradients, surfacing, provision of a Travel Information Pack to residents, provision of a Traffic Management Plan (TMP) and implementation of the cycle track/emergency access link at the north of the site.
Response: Noted, should permission be granted appropriate conditions can be attached.

4.2 **Roads Flood Risk Management** – no comments.
Response: As the proposal includes the same drainage proposals as per the previous consent, should permission be granted, a condition will be attached requiring details of surface water drainage arrangements, to be submitted, approved and implemented to the Council's satisfaction.

4.3 **Community and Enterprise Resources - Play Provision Community Contributions** – no comments.
Response: Contributions have already been agreed for this site under the previous application.

5 **Representation(s)**

5.1 Statutory neighbour notification was undertaken, and the proposal was also advertised in the local press as not all neighbours could be identified. Two letters of representation have been received, the points of which are summarised below:-

- a) **The emergency access link to Hallside Road has been moved to an area which is a driveway to a house which could become blocked by cars parking there.**
Response: The Council's Roads Development Management section have been consulted as part of the application process and have raised no objection to the location of the emergency access link. It is noted that its location is not at a driveway, however, any blocking of the access link would be a Police matter.
- b) **The house types approved under the previous application were a good design and in keeping with the surrounding area. These included active gables and some plots with detached garages, allowing parking to the side of properties which reduced the visibility of cars. The new house types are bland in design and not in keeping with the surrounding area. There is over provision of these house types in the local area; the previous consent provided better designs and choice for buyers.**
Response: Whilst it is noted that the previous approved house types provided an alternative style of dwelling in the area for home buyers, this in itself is not a valid reason for refusal. The proposed house types under the current application are still acceptable in terms of scale, design and materials. Whilst it is noted that the revised layout contains more parking to the front of properties, I am satisfied this will not be to the detriment of the overall development. Furthermore, the Council's Roads and Transportation Service have confirmed their satisfaction with the proposed parking layout.
- c) **The proposed development will overlook adjacent properties.**
Response: As noted above, the site already has consent for a residential development of 190 dwellings with associated works. This proposal is therefore to assess the change to the proposed house types. As the proposal still meets the requirements of the Council's Residential Design Guide in terms of distances from properties and directly facing windows, I am satisfied there will be no overlooking. It is further noted that the proposal will also include additional planting.
- d) **The site being developed contains various wildlife which must be considered. The site also contains mature trees/ woodland. Given climate change, their loss should not be supported.**
Response: An area to the east of the site contains existing structural planting and this will remain undeveloped. Some hedgerows and trees will be removed on the western boundary, however, there will be a scheme of re-planting. A Phase 1 Habitat Survey was undertaken as part of the previous application which confirmed the presence of badger setts. These setts will be closed off and new setts will be formed within the tree belt on the east. Notwithstanding this, the site will be re-surveyed prior to any development commencing.
- e) **This development poses a road safety issue given the level of additional traffic it will generate and the access onto an already busy road.**
Response: The proposal includes the same access point as previously approved under the last application which requires an improvement to Hamilton Road, to ensure that an appropriate waiting area is formed to allow safe access. Roads Development Management have confirmed this remains acceptable and, as such, this is not a valid reason for refusal.

- f) **Infrastructure in the area is at breaking point; Newton desperately needs a secondary school.**

Response: Whilst noted, this application is for a substitution of house types only.

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

6 **Assessment and Conclusions**

- 6.1 The Walker Group seek consent for the Substitution of house types (amendment to P/20/0023 for the erection of 190 dwellinghouses with associated roads, drainage, landscaping and open space) at a site adjacent to Manse Brae, Cambuslang. As detailed above, the site benefits from planning permission P/20/0023 for 190 dwellings, therefore, the principle of development has already been established and this assessment relates to the substitution of house types and associated works.
- 6.2 In this case, the adopted South Lanarkshire Local Development Plan 2 (2021) identifies the site as being within a general urban area where Policy 3 – General Urban Areas applies, and also as proposed housing land (Policy 11 – Housing). Therefore, in general land use and policy terms, the development is acceptable.
- 6.3 In respect of Policy 7 - Community Infrastructure Assessment, it is noted that the legal agreement associated with planning permission P/20/0023 sets out the requirement for developer contributions applicable to this site to cover infrastructure impacts associated with education, roads and transportation, affordable housing and community facilities. The proposed development, as per the previous application, does not include any on-site affordable housing provision, however, the applicant agreed to making such a contribution for off-site affordable housing within the local housing area. This approach has been agreed with Housing Services and, as such, the proposal is in accordance with Policy 12 - Affordable Housing of the LDP2. The proposal therefore complies with Policies 7 and 12.
- 6.4 Policy 5 – Development Management and Placemaking advises that to ensure all developments take account of the principles of sustainable development, all proposals require to be well designed and integrated with the local area. Policy DM1 – New Development Design also requires development to promote quality and sustainability in design and layout. The Council's Residential Development Guide (RDG) (2011) is also relevant and provides guidance on the design and layout of new housing developments.
- 6.5 In terms of the changes to the previously approved layout, this includes a revised mix of house types, however, as before, this will comprise detached and semi-detached properties containing 3, 4 and 5 bed properties. It is noted that the number of properties within each section also remains as per the previously approved layout. As before, access to the site is via a single access point from Hamilton Road.
- 6.6 In terms of Policy 15 – Travel and Transport, the site layout has been designed to ensure the parking and access specifications are in compliance with the Council's standards and to ensure adequate pedestrian connectivity is provided throughout the development with access to adjacent developments in accordance with the masterplan.
- 6.7 The National Planning Framework 4 was adopted on 13 February 2023 and now forms part of the Development Plan. In this instance, having assessed the proposals against the policies contained therein, there are no provisions that would change my

assessment of the proposal, or the conclusions reached in the context of the local development plan.

6.8 As detailed above, following neighbour notification and advertisement in the local press, two objections were received, the points of which are summarised in section 5 above. Whilst the points raised have been noted, it is not considered they merit refusal of the application.

6.9 In conclusion, the amendment to the house types will have no adverse impacts on amenity, road safety, or environmental impacts and, as such, it is considered the proposal complies with the appropriate policies of the adopted South Lanarkshire Local Development Plan 2 (2021), as detailed above. It is therefore recommended that planning permission is granted, subject to the conditions attached.

7 Reasons for Decision

7.1 The proposal seeks to amend a previously approved scheme and does not create any conflicts in terms of the Local Development Plan or site standards.

David Booth

Executive Director (Community and Enterprise Resources)

9 March 2023

Previous references

♦ P/20/0023 – Planning Committee – 8 June 2021

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 11 October 2022
- ▶ Consultations

Roads Development Management Team

28.11.2022 &
28.02.2023

- ▶ Representations

Dated:

Mrs Lucy Cooper, 15 Laird Place, Glasgow, G40 1JS

17.10.2022

Alasdair W Reid, 49 Walnut Gate, Cambuslang, Glasgow,
South Lanarkshire, G72 7FG

03.11.2022

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

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

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

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

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

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

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

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

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

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

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

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

07. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any such order revoking or re-enacting that order), no gates, fences, walls or other means of enclosure shall be erected between the front of the dwellinghouse and the adjoining road.

Reason: To safeguard the residential amenity of the area.

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

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

09. 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.

10. 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 1,2,3,4 & 5).

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.

11. That the surface water drainage works required by condition 10 above shall be completed prior to the occupation of the first dwellinghouse and shall be completed in accordance with the details submitted to and approved by the Council as Planning Authority, under the terms of Condition 10 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.

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

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

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

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

13. Prior to the occupation of each dwellinghouse on the site, the occupier shall be provided with a Travel Information Pack covering public transport and active travel options to the satisfaction of the Council as Planning Authority.

Reason: In order to retain effective planning control.

14. That prior to commencing works on site the developer shall submit, for the written approval of the Council as Roads Authority, a Traffic Management Plan (TMP) which shall include construction traffic access/egress arrangements and routes from suitable 'A' Class roads. The TMP should include information such as, but not limited to, construction access routes to/from the site, wheel washing facilities, site car parking for operatives/visitors and any temporary site access arrangements. Once approved, all works shall be undertaken in accordance with the TMP. No construction traffic access shall be permitted on routes not agreed with the Council as Planning Authority as written through the TMP.

Reason: In the interest of road safety

15. That prior to any work commencing on site, site results of the extended Phase 1 habitat survey should be updated with a further walkover survey to determine whether there have been any changes in habitats or occupancy by protected species.

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

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

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

17. That unless otherwise agreed, the cycle track/emergency access link shown on Drawing 3 Rev B shall be in situ and available for use prior to the occupation of the first dwellinghouse hereby approved.

Reason: In the interests of road and public safety.

18. 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.

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

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

20. 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).

21. That none of the garage driveways shall have a gradient in excess of 1:10.

Reason: In the interests of traffic and public safety.

22. That all shared driveways shall have a minimum width of 4.1 metres and the first 2 metres of each driveway as measured 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.

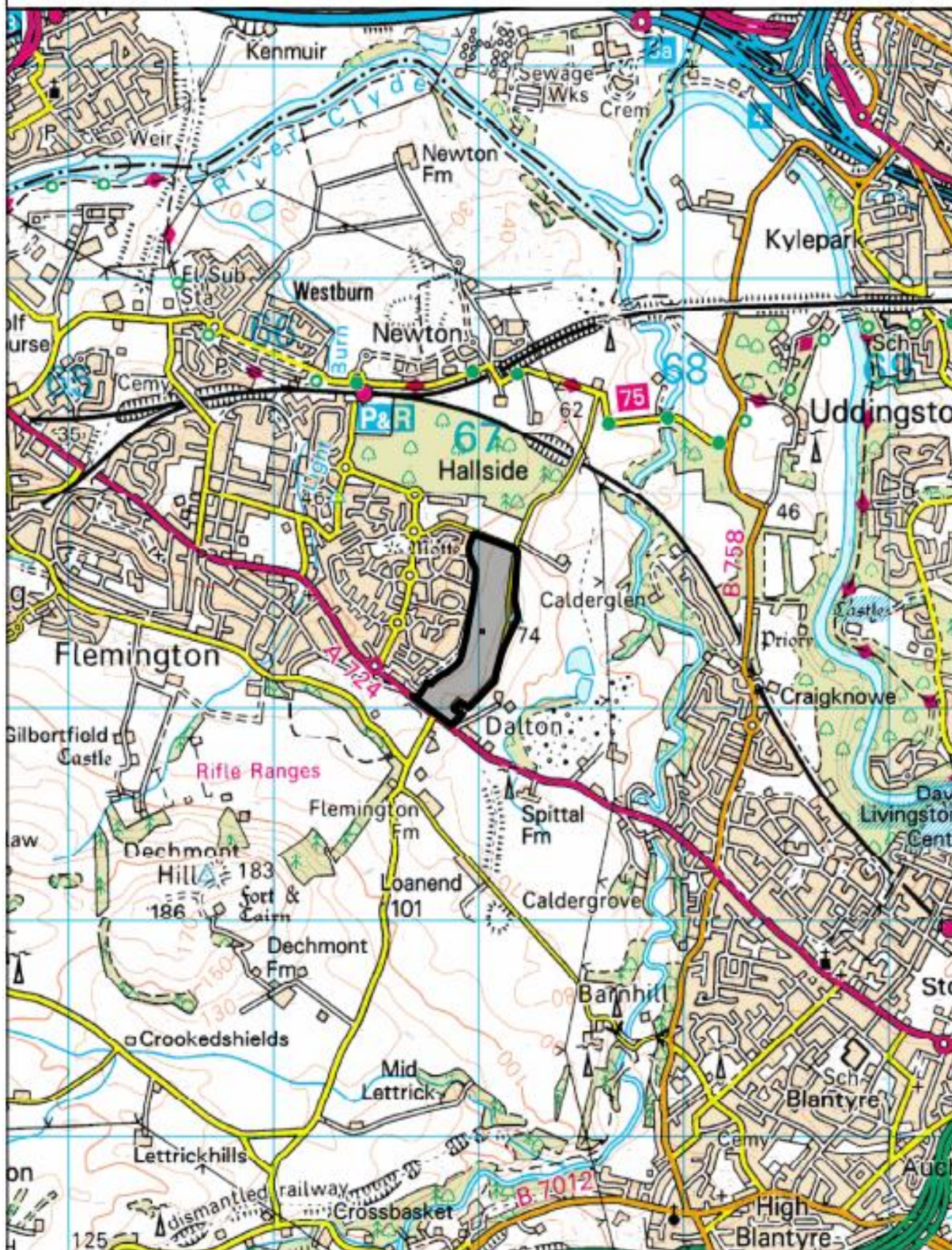
Reason: In the interests of traffic and public safety.

23. That before the development hereby approved is completed or brought into use, the entire access road and footpath network serving the development shall be laid out and constructed in accordance with the specification of the Council as Roads and Planning Authority.

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

P/22/1377

Land 360M NNE of Hallside Manse, Manse Brae



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Scale:
1:25,000
Date:
24/02/2023



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

