

Report

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
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Detailed planning application

Paper apart – Application number: P/21/1764

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.

