

	<h1>Report</h1>	Agenda Item <h1>3</h1>
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Report to:	Planning Committee
Date of Meeting:	8 March 2011
Report by:	Executive Director (Enterprise Resources)

Application No	CL/10/0180
Planning Proposal:	Mixed Use Development Comprising Industrial and Storage and Distribution Warehousing (Classes 5 & 6), Business Units/Office Accommodation (Class 4), Hotel with Conference and Commercial Leisure Facilities (Class 7), Retail/Restaurant Floorspace (Classes 1 & 3), Landscaping, Open Space and Associated Infrastructure (Planning Permission in Principle)

1 Summary Application Information

- Application Type : Permission in Principle
- Applicant : SRG Estates Ltd
- Location : Land at Poniel/Happendon Wood
South Lanarkshire

2 Recommendation(s)

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

- (1) Grant Planning Permission in Principle (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: WYG Planning & Design
- ◆ Council Area/Ward: 04 Clydesdale South
- ◆ Policy Reference(s): **Glasgow and Clyde Valley Structure Plan**
 - Strategic Policy 1: Strategic Development Locations
 - Strategic Policy 5: Competitive Economic Framework
 - Strategic Policy 9: Assessment of Development Proposals
 - Strategic Policy 10: Departures from the Structure Plan

South Lanarkshire Local Plan (Adopted)

- Policy STRAT1: Regeneration Priorities
- Policy STRAT5: Rural Investment Area
- Policy CRE2: Stimulating the Rural Economy

- Policy ECON5: Proposed Industrial Sites
- Policy ECON11: Potential Countryside Recreation Opportunity
- Policy COM3: New Retail/Commercial Development
- Policy ECON7: Strategic Office Development
- Policy ECON9: Tourism Development
- Policy TRA1: Development Location and Transport Assessment
- Policy TRA2: Walking, Cycling and Riding Routes
- Policy TRA4: Bus Provision
- Policy TRA8: Car Parking
- Policy ENV4: Protection of the Natural and Built Environment
- Policy ENV29: Special Landscape Areas
- Policy ENV21: European Protected Species

◆ Representation(s):

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

◆ Consultation(s):

Community Resources

Environmental Services

Health & Safety Executive

Scottish Wildlife Trust

Scottish Government

Glasgow & Clyde Valley Structure Plan Joint Committee

Roads & Transportation Services H.Q. (Flooding)

Scottish Water

West of Scotland Archaeology Service

Scottish Power Energy Network

Roads and Transportation Services (Clydesdale Area)

S.E.P.A. (West Region)

Roads & Transportation Services H.Q. (Traffic and Transportation)

Coal Authority

Architecture and Design Scotland

TRANSCO (Plant Location)

Transport Scotland

Forestry Commission

Historic Scotland

Douglas Community Council

Scottish Natural Heritage

Strathclyde Partnership for Transport

Planning Application Report

1 Application Site

- 1.1 The application site extends to approximately 230 hectares in size and is located between junctions 11 and 12 of the M74, 3km to the north of Douglas and 2km to the south-east of Coalburn. For the purposes of the application, the site has been divided into 4 distinct areas. Area A (61.5 ha) is located to the north of the existing Dewar's whisky storage and blending facility and mainly comprises rough grazing land where sand and gravel extraction formerly took place. The northern area of this part of the site is still being used for sand and gravel extraction. Poniel Farm and associated buildings are located on the southern part of this site. The Poneil Water bounds the site to the north, a dismantled railwayline lies to the west, the former Dalquhandy quarry access road and Dewar's facility bounds the site to the south and the B7076 and M74 are situated to the east.
- 1.2 Area B (85.2 ha) wraps around the southern and eastern boundaries of the Dewars facility, and consists of rough grazing land. The south-eastern part of the site along with land to the south was recently an open cast coal site. Extraction is complete and the land is now under restoration. The south-western section was used for overburden storage for the adjacent opencast operation and accommodated coal preparation and site support infrastructure. The M74 bounds the site to the east.
- 1.3 Area C (38.4 ha) is triangular in shape and consists of forestry. A continuation of the dismantled railwayline forms the western boundary, woodland continues to the south and the Dewars facility lies to the east. An access road for HGVs has been formed through the site to serve the opencast operations.
- 1.4 Area D (41.8 ha) is divorced from the remainder of the site and sits on the eastern side of the M74. This site is triangular in shape and consists of long established woodland and heath land. The site is bounded to the north by a dismantled railway, to the west by the B7078 and the Cairn Lodge Motorway Services and to the south by dwellinghouses known as Happendon Cottages. The road which leads to Tofts Farm and subsequently to Douglas Water runs along the eastern boundary.
- 1.5 In terms of topography, the land in this area is generally undulating with upland areas surrounding the site.

2 Proposal(s)

- 2.1 The applicant seeks planning permission in principle for a mixed use development. The proposal comprises industrial and storage/distribution warehousing (Classes 5 & 6), business units/office accommodation (Class 4), hotel with conference and commercial leisure facilities (Class 7), retail/restaurant floorspace (Classes 1 & 3) with associated landscaping, open space and associated infrastructure.
- 2.2 An indicative masterplan has been submitted by the applicant which shows the creation of 5 warehouses (Class 5 & 6) totaling 119,845 square metres within Area A, accessed both from the existing roundabout on the B7078 and from the quarry access road. Area B would contain 148,644 square metres of Class 5 & 6 uses in a series of smaller warehouses wrapped around the Dewars facility. The plan indicates that Area C will be used to access Area B which will involve the upgrade of an existing access road. Area D shows development only in the frontage of the site with the creation of three Class 4 business units totaling 9290 square metres and the creation of a hotel and ancillary retail/restaurant facility. The applicant originally proposed that these properties would be accessed from the B7078 via two separate

vehicular accesses. Discussions have since taken place between the applicant and the Council's Roads Service and it is now proposed to access this part of the development from a new roundabout which would also serve Cairn Lodge Services.

- 2.3 A number of documents were submitted with the application including a Planning and Design Statement, a Transport Assessment (TA) and an Environmental Statement (ES).
- 2.4 The Planning and Design Statement considers that the site represents a logical and sustainable location for business/industrial led development and that the proposed development will make a positive contribution to the economy by attracting substantial inward investment and creating new jobs both locally and nationally. They calculate that over the construction period the proposed development will generate 84 full time jobs. Scottish Enterprise guidance calculates that 67% of construction employment is derived from the local level, therefore this equates to the generation of approximately 58 local construction jobs. In total, the proposed development once completed and operational has the potential to create 1300 full time jobs nationally, with the hotel, retail and business element contributing approximately a further 360 full time jobs. The bulk of these jobs would be created in the local area. The applicant's have calculated that this equals an injection of £33 million to the local economy and £18.8 million to the national economy. The Statement also provides details of the proposed phasing of the development i.e. Phase 1 – Area B, Phase 2 – Area D, Phase 3 – Area A.
- 2.5 The Transportation Assessment (TA) concludes that the anticipated traffic generation can be accommodated on the surrounding road network and existing pedestrian and cycling infrastructure can be improved as part of the proposed development.
- 2.6 The ES states that during construction works, dust, noise and visual intrusion could arise, however, these impacts could be reduced through effective site management practices. The statement examined the cumulative impact of the development with other developments within the surrounding area. It concluded that it is unlikely that significant adverse cumulative impacts will occur, either during construction or operation, with the exception of minor adverse impacts on landscape character and certain strategic/long range views. It further advises that in terms of beneficial impacts, significant economic benefits would be afforded through the creation of direct and indirect employment.
- 2.7 The ES submitted with the planning application in April 2010 did not contain a section on Ecology. Due to seasonal constraints certain ecological surveys could not be carried out ahead of the planning application being submitted. The Ecology chapter of the ES was subsequently submitted in August 2010. It explains that the habitats which would be affected by the proposed development comprise farmland, buildings, a former quarry and coniferous plantation which are considered to be of limited ecological value. They advise that there would also be some small scale losses of broadleaved woodland and heath land habitat which would be mitigated by replacement planting and habitat creation and management. The document further advises that the habitats present within the site are known to support protected species including bats, breeding birds, badgers, otters and common lizards. Impacts on otter and water vole would be avoided as Poniel Water would not be affected by development and mitigation measures can be implemented in respect of bats and reptiles. Impacts on breeding birds, barn owl and badgers will occur due to the loss of their habitat however detailed proposals for the mitigation of these impacts would be provided during the detailed design stage. They therefore conclude that the development will comply with the legal framework and development plan policies

provided key ecological features are accommodated within the detailed design of the development and that populations of protected species on the site are maintained.

- 2.8 It should be noted that in terms of the hierarchy of development, this proposal is classed as a major development. Planning legislation therefore required the applicant to undertake public consultation prior to the submission of the planning application. This included a public event that took place in January 2010 comprising of two public exhibitions held in the Coalburn Miner's Charitable Society (One Stop Shop) and the Douglas St Brides Hall over a period of 5 days. Individual letters of invitation to the community engagement event were distributed to local councillors, MSPs, the local MP, Douglas and Coalburn Community Councils and a variety of other local community groups.
- 2.9 The applicants have submitted a pre-application report which sets out details of the consultation and comments upon the issues raised by the community engagement. The applicant's received two comments forms following the exhibition however a log of oral comments was also taken by the project team at the manned exhibition events. The applicants consider that the issues raised have been largely met. They advise that detailed studies submitted with the application show that any noise impacts can be appropriately mitigated, and the ES will ensure that there is no adverse impact on wildlife and the landscape. They do not consider child safety will be adversely affected and concerns about the Poniel roundabouts are considered to be cosmetic and can be easily met through the detailed application stage. In terms of the impact on the existing services they are of the opinion that the additional roadside services will create greater choice to road users. They consider that the increased employment immediately beside the services will boost trade to all.

3 Background

3.1 Glasgow and Clyde Valley Structure Plan

3.1.1 The application requires to be assessed against the Glasgow and Clyde Valley Structure Plan which became operational in April 2008. The policies which are relevant are Strategic Policies 1: Strategic Development Locations, 5 - Competitive Economic Framework, 9 – Assessment of Development Proposals and 10 – Departures from the Structure Plan.

3.2 Local Plan Policy

3.2.1 The site is located in the Rural Investment Area as defined in the adopted South Lanarkshire Local Plan where Policy STRAT5: Rural Investment Area and Policy CRE2: Stimulating the Rural Economy apply. The overarching Policy STRAT1: Regeneration Priorities sets out the Local Plan's priorities for regeneration. It states that priority will be given to the regeneration of certain locations, which includes the Rural Investment Area.

3.2.2 The majority Area B is zoned for industrial use where Policy ECON5: Proposed Industrial Sites applies. Area C and a small portion of Area B fall within ECON11: Potential Countryside Recreation Opportunity.

3.2.3 A small portion of Area B adjacent to the M74 and the whole of Area D are designated as a Special Landscape Area. Area D is also classed as an Ancient Woodland therefore Policy ENV4: Protection of the Natural and Built Environment and Policy ENV29: Special Landscape Areas are relevant as well as Policy ENV21: European Protected Species.

3.2.4 There are a significant number of other policies which also require to be taken into account i.e., Policies COM3: New Retail/Commercial Development, ECON7: Strategic Office Development, ECON9: Tourism Development, TRA1: Development Location and Transport Assessment, TRA2: Walking, Cycling and Riding Routes, TRA4: Bus Provision, TRA8: Car Parking and DM1: Development Management.

3.3 **Government Advice/Policy**

3.3.1 The Scottish Planning Policy (SPP) document published in early 2010 is a statement of the Scottish Government's policy on land use planning matters. Sustainable economic growth is the government's overarching purpose and the guidance states that the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places. It further advises that planning authorities should recognise and respond to economic and financial conditions in considering proposals that could contribute to economic growth. The Scottish Government is committed to sustainable development and it outlines decisions on the location of new development should:

- ▶ promote regeneration and the re-use of previously developed land,
- ▶ reduce the need to travel and prioritise sustainable travel and transport opportunities,
- ▶ promote the development of mixed communities,
- ▶ take account of the capacity of existing infrastructure,
- ▶ promote rural development and regeneration, and
- ▶ prevent further development which would be at risk from flooding or coastal erosion.

3.3.2 The SPP encourages authorities to respond to the diverse needs and locational requirements of different sectors and sizes of businesses and take a flexible approach to ensure that changing circumstances can be accommodated and new economic opportunities realised. It further states that the specific needs of different businesses should be taken into account, including the importance of access to the strategic road network for manufacturing, warehousing and distribution uses.

3.3.3 It emphasises that by taking a positive approach to new development, planning authorities can help to create the right conditions for rural businesses and communities to flourish. The aim should be to enable development in all rural areas which supports prosperous and sustainable communities whilst protecting and enhancing environmental quality. It further advises that developments which provide employment or community benefits should be encouraged, particularly where they involve the imaginative and sensitive re-use of previously used land and buildings. It highlights that Planning Authorities should also support and promote opportunities for environmental enhancement and regeneration in rural areas, particularly areas of previous mining and industrial activity.

3.3.4 The policy notes the importance of high environmental quality in attracting investment into an area and states that planning authorities should therefore ensure that new development safeguards and enhances an area's environmental quality, and, where relevant, should promote and support opportunities for environmental enhancement and regeneration. In particular it states that strategic sites for business use should be protected from inappropriate uses and development which would compromise their quality, accessibility or marketability as a business location.

3.4 **Planning Background**

3.4.1 Outline planning permission (CL/04/0679) was granted in April 2005 for the erection of industrial, storage and distribution, specialised retail and office use, visitor related

facilities, associated infrastructure and landscaping on land which forms part of the current planning application site (the site of the Dewars facility and Area B). Detailed planning permission was subsequently granted for a whisky storage and blending facility, with associated landscaping, roadworks and infrastructure on part of this site in November 2007 (CL/07/0545). This is the Dewar's facility which is partly built-out and operational. The remainder of the site covered by the outline application therefore still has the benefit of outline planning permission and this forms the majority of Area B of the application under consideration.

3.4.2 There is a history of minerals applications in the area and these have been listed below:

P/LK/85/131 Winning and working of sand and gravel at Poniel Quarry - Granted 18 February 1987

CL/99/0068 Extension to time period for the extraction of sand and gravel from Poniel Quarry and subsequent restoration – Granted July 2007

CL/04/0877 Extraction of minerals (coal and fireclay) by opencast methods and establishment of development platform, amendment to the submitted Mineral Extraction Scheme involving the deletion of extraction areas 2 and 3 and creation of associated haul roads, soil storage areas and water treatment area – Granted September 2007

CL/07/0862 Variation to Condition 4 of planning permission CL/04/0877 (Extraction of coal and fireclay at Poniel) to permit revised working scheme comprising relocation of soils and overburden, storage areas; relocation of internal site access road; and relocation of water treatment lagoon – Granted June 2008

CL/08/0630 Variation to Conditions 35 and 47 of planning permission CL/07/0862 to allow limited overnight overburden extraction (1900 hrs-0700 hrs Monday to Saturday) – Granted December 2008

CL/09/0285 Extension to opencast coal workings (variation to Conditions 3 & 4 of CL/07/0862) – Granted March 2010

3.4.3 Outline planning permission was granted for a leisure development comprising a 50 bedroom hotel, camp site, 10 holiday chalets, managers lodge and miniature railway in 2000 on land adjacent to Station Cottage, Happendon, which sits to the north of Area D (CL/99/0516). This consent was renewed in 2004 & 2007 (CL/03/0664) & (CL/07/0100). The most recent consent has since expired.

3.4.4 Detailed planning permission was granted in 1992 for the erection of a comprehensive motorist service facility at Cairn Lodge (P/LK/01910516). The proposal included a petrol filling station, parking area, restaurant and services, conversion of Cairn Lodge to information centre, truckers lodge and café, garage facilities for vehicle recovery and a 40 bedroom hotel. This development was implemented and the Cairn Lodge Services has been operational for some time. The site is located between Area B and Area D of the current proposal. The hotel was not constructed, but the planning consent for this is still valid.

4 Consultation(s)

- 4.1 **Environmental Services** – no objections. Recommend that the noise levels for users of the proposed hotel should meet the relevant standards and that all construction works must be carried out in accordance with British Standards with consideration should be given to formally imposing standard hours of operation. They note that the applicants intend to submit a dust assessment as part of any future planning application. In order to minimise the risk of nuisance from pollutants to nearby occupants they recommend that an air quality assessment scheme should be submitted. They also advise that a site investigation should be submitted.
Response: Noted. These matters can be covered by relevant conditions and informatives if consent is granted.
- 4.2 **Roads & Transportation Services (Area Manager - Clydesdale)** – advise that due to the size, nature and location of the proposed development, a Transportation Assessment (TA) is required and that a decision on this application should be deferred until further information on this subject becomes available.
Response: A TA has been submitted and the Transportation Engineering Manager has provided comments on the assessment. Their response is summarised in paragraph 4.3 below.
- 4.3 **Roads & Transportation Services (Transportation Engineering Manager)** – A TA has been submitted by the applicants and has been the subject of lengthy discussions. There are no objections to the proposal subject to conditions including such matters as provision of pedestrian/cycling facilities within the site and linking the site with the surrounding area, submission of a Public Transport Strategy detailing the frequency and routing of new and/or amended bus services, submission of a Travel Plan, provision of adequate parking provision, limitation on extent of floorspace, submission and implementation of appropriate drainage, and the provision of a new roundabout to access Area D of the development which will jointly serve the Cairn Lodge Services.
Response: Noted. Conditions can be attached to cover these matters should consent be granted.
- 4.4 **Roads & Transportation Services (Flooding Unit)** – offer no objections subject to the inclusion of a Sustainable Drainage System serving the site and the submission of a Flood Risk and Drainage Assessment.
Response: Noted. These matters can be covered by condition of any consent granted.
- 4.5 **SEPA** – originally objected to the application on the grounds of lack of information in respect of foul drainage proposals for the development. They advised that the treatment and disposal of foul drainage arising at the site is not straightforward and that the applicant should investigate this matter to provide clarity. They also objected to the planning application on flood risk grounds unless a condition is included on any consent granted to ensure a full Flood Risk Assessment is undertaken and submitted for all development areas which have already been identified in the ES as potentially at risk of flooding.
Response: Noted. The applicants met with SEPA and have demonstrated that the site can be serviced with a sewage treatment and disposal arrangement capable of meeting their requirements that will cause no detriment to the receiving watercourse. SEPA have therefore removed their objection. The requirement of a Flood Risk Assessment can be covered by condition if consent is granted.
- 4.6 **Scottish Power** – offer no objection and provide a plan showing the location of cables and pipes in the area.
Response: Noted. This information has been passed on to the applicant.

4.7 **SNH** – notwithstanding the conclusions of the ES they requested additional information in respect of bats, otters, red squirrels and breeding birds. They are concerned about the loss of trees in Area D as a result of the development footprint, but also as a consequence of creating the habitat mitigation area. Detailed discussions have since taken place between the applicant's ecologists and SNH. SNH are now content that the proposed development will not have an adverse impact on protected species and they recommend various conditions which should be attached to any consent granted in respect of bats, otters, badgers, breeding birds and compensatory planting.

Response: Noted. These conditions can be attached if consent is granted.

4.8 **Scottish Water** – offer no objection, however they confirm that there are no public sewers or public water mains in the vicinity of the proposed development site. They advise that a detailed method statement and a risk assessment must be submitted to Scottish Water to ensure that their assets are protected from the risk of contamination and damage.

Response: Noted. The applicant has been advised of Scottish Water's comments and the matter of the method statement can be covered by condition if consent is granted.

4.9 **Scottish Wildlife Trust** – confirm that their main concern centres on the loss of habitat and its effect on species within Happendon Wood (Area D). They advise that the mitigation proposed for the loss of heath and scattered trees in the development part of Area D is unsuitable within this area of ancient/mature woodland. They further advise that the felled areas would take several years to replace the habitat lost during which time there would be no mitigation. They suggest it would be more appropriate to develop a woodland management plan with the aim of gradually replacing non-native species with native species.

Response: Noted. The applicant has confirmed that they will consider opportunities for retention of existing badger setts in situ along with appropriate provision to maintain badger movement through the site at the detailed design stage. A Badger Protection Plan would be implemented as part of an overarching Environmental Management Plan (EMP) covering the site. The applicants have advised that the creation of the mitigation area in the north of Area D may require some tree-felling. This would only affect forestry stands that are of limited value for breeding birds and other small scale scrub clearance would not significantly alter the existing breeding bird habitat within Area D. A detailed mitigation addressing the replacement of any trees removed and the creation of new habitats would be covered by conditions as part of any consent granted.

4.10 **Transport Scotland** – offer no objections subject to conditions restricting the floorspace, provision of a suitable barrier/screening along the boundary with the M74 trunk road, submission of details of proposed lighting and advertisements, limiting drainage connections to the trunk road drainage system, and submission of a Travel Plan.

Response: Noted. Conditions can be attached to cover these matters should consent be granted.

4.11 **West of Scotland Archaeology Service** – offer no objection and confirm that they agree with the summary and conclusions of the cultural heritage chapter of the ES. In terms of each area;

Area A - contains substantial areas of undisturbed greenfield ground and development within these areas would require archaeological investigations to ascertain the presence or absence of buried remains.

Area B - has already been investigated archeologically apart from the fields to the north and east of the existing Dewars site. This is undisturbed greenfield ground and development within it would require archaeological investigations to ascertain the presence or absence of buried remains.

Area C - they note that this area has already been heavily affected by forestry and possibly by former extraction and future development of the site would raise no further issues.

Area D - is already disturbed ground from previous afforestation and it contains no recorded sites, so future development here would also raise no archaeological issue.

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

4.12 **Douglas Community Council** – no response to date.

Response: Noted.

4.13 **The Coal Authority** – confirm that the site falls within the defined coalfield area and their records show that there are areas of former surface mining activity within the application site, particularly within the area identified as Area B. They note that the ES states that intrusive investigations will be carried out in all areas where development is planned prior to the onset of construction works and will focus on contamination and geotechnical issues to inform detailed design. They advise that once these investigation works have been completed, and when the extent of any past mining activity is known, the applicant should then make an assessment of any land stability or other public safety issues and identify any necessary mitigation measures. They advise that where development is proposed over areas of coal and past coal workings at shallow depth, they are of the opinion that applicants should consider wherever possible removing the remnant shallow coal. This will enable the land to be stabilised and treated by more sustainable methods rather than by attempting to grout fill any voids and consequently unnecessarily sterilising the site. They further advise that any intrusive activities, including initial site investigation boreholes and/or any subsequent treatment works, which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries require the prior written permission of The Coal Authority.

Response: Noted. A condition can be attached to any consent granted to ensure intrusive investigations are carried out and the results submitted with any further planning applications for this site. An informative can also be attached to advise the applicant of the need to contact The Coal Authority before any intrusive activities take place. Notwithstanding the comment that the applicants should consider removing any remaining shallow coal reserves, that does not form part of this proposal and would require the submission of a further application.

4.14 **Scotland Gas Networks** – advise they have no gas mains in the area although gas pipes either owned by other gas transporters and or in private ownership may be present in this area. Information with regard to such pipes should be obtained from the owners.

Response: Noted. An informative can be attached to any consent granted in respect of this matter.

4.15 **Historic Scotland** – offer no comment or objection.

Response: Noted.

4.16 **Forestry Commission** – their main issue of concern is the effect the proposal will have on the woodlands and specifically the consequences that tree felling, including woodland removal will have on the ecology and landscape of the area. They note that the application site includes woodland currently listed within the Ancient Woodland Inventory (Area D). Due to the longevity of the woodland on this site it is

therefore considered to be of high ecological value. They do not agree with the rationale in the ES that the ancient woodland is less valuable because it includes conifer trees. They are of the opinion that development in this part of the site cannot be justified. They consider that the proposed EMP should be provided for comment before any decision is made on planning consent. They are concerned that no detail of the proposed replanting is available and that the proposed mitigation will not be adequate.

Response: Noted. The applicants advise that the vegetation surveys undertaken by them did not encounter species that are consistent with the designation of Ancient Woodland. They note that areas that have been clear-felled and not re-planted are not regenerating with species indicative of ancient woodland. They clarify that the purpose of the mitigation area is not to mitigate the loss of an area of ancient woodland but to replace the Wet and Dry Heath and Scrub Mosaic habitat in the western strip of Area D which is the proposed location of built development. The applicant has confirmed that they will provide a detailed plan for the creation of the mitigation area and an expanded methodology which could be included within the EMP. They advise that the EMP would be submitted to the Council for approval prior to any works commencing on the site and would be subject to consultation with any relevant consultees, including the Forestry Commission. I am therefore satisfied that this matter can be covered by condition if consent is granted.

4.17 **Health & Safety Executive** – do not advise against the proposed development.

Response: Noted.

4.18 **The Scottish Government (Rural and Environment Directorate – Environmental Quality Division)** – in response to consultation on the ES they advise that in terms of their responsibilities for air quality and noise they confirm that they offer no comments.

Response: Noted.

4.19 **Community Resources** – note that the ES states that it is proposed to produce an Environmental Management Plan. They recommend that a condition is applied requiring the developer to establish a habitat/environmental management group, involving representatives from the regulatory authorities to help inform the development and implementation of such a plan.

Response: Noted. The preparation of the EMP would be subject of consultation with relevant parties. The establishment of a formal management group is not considered necessary.

4.20 **Architecture & Design Scotland** – no response to date.

Response: Noted.

4.21 **Glasgow & Clyde Valley Structure Plan Joint Committee** – advise that the proposal is contrary to Strategic Policies 5 and 9 and should therefore be regarded as a departure from the Structure Plan which requires justification against the criteria outlined in Strategic Policy 10. They advise that the Structure Plan is due to be replaced by the Strategic Development Plan (SDP) in accordance with the Planning etc. (Scotland) Act 2006. The technical work to inform the Main Issues Report has identified key economic locations in support of the key sectors of the economy during the SDP period, and the list of Competitive Economic Framework locations set out in the current Structure Plan have been reviewed. In this context Poniel has been recommended as a new Strategic Economic Investment Location (SEIL) as an opportunity location where the growth sector of distribution and logistics will be supported. They consider that the industrial and warehousing/distribution uses within this proposal are consistent with Poniel's proposed SEIL and that the ancillary uses

to the east of the M74 (Area D) are considered to be non strategic in terms of the SDP and are matters for the local planning authority to address.

Response: Noted.

- 4.22 **Strathclyde Partnership for Transport** – note that the frequency and amount of bus service provision is limited at this location. They advise that consideration should be given to the requirement of a Section 75 legal agreement requiring a subsidy to a bus operator to provide an adequate bus service. They also advise that pedestrian and cycle access links into and through the site are essential, a travel plan coordinator should be appointed and a Travel Plan should be submitted.

Response: Noted. Other consultees have not suggested that a subsidy is necessary. However, if consent is granted, the other matters raised would be covered by the conditions which the Council's Roads and Transportation Service have recommended.

5 Representation(s)

- 5.1 The application was originally advertised in the local press as a bad neighbour development, as development contrary to the development plan and non-notification of neighbours. In addition, as an ES was submitted the application was advertised in the local press and Edinburgh Gazette in accordance with the Environmental Impact Assessment Regulations. The statutory neighbour notification process was also carried out at this time following which 63 letters of objection were received. On receipt of the Ecology chapter of the ES the application was re-advertised in the press in the same manner and re-notification of neighbours took place. A further 9 letters of objection were then received bringing the total to 72. The contents of the letters are summarised as follows:

- (a) **Concern that the development will include open cast coal mining.**

Response: The applicants have confirmed that the proposal does not involve the extraction of coal. The applicants are fully aware that a further planning application would have to be submitted if the proposal did include coal extraction.

- (b) **The pre-application consultation exercise took place during a period of extreme winter weather. It is considered this exercise was not effective and should be repeated. The lack of response to the pre-application consultation should not be interpreted as there being no objection.**

Response: I am satisfied that the applicants carried out pre-application consultation in accordance with, and exceeded the requirements laid out in, the planning legislation and do not consider the exercise requires to be repeated. I agree that the lack of response to the pre-application consultation should not be a measure of the public's view on the application. The recently introduced pre-application consultation procedures are a useful exercise to ensure the public are involved at an early stage in the development process, however the neighbour notification process and advertisement is still carried out when the planning application itself is submitted and this also allows the public to submit representations. In this instance a total of 72 objection letters have been received.

- (c) **Objector queries why the submitted drawings are different from the ones viewed at the public exhibition.**

Response: The pre-application report submitted by the applicant includes the photographs and plans depicting what was on display at the consultation event. The plans which have been submitted under this application do not

differ significantly from the ones which the objector viewed. In any event, the role of the pre-application process allows any views on a proposal made at that point to be considered by the applicant.

- (d) **It is claimed that the statutory neighbour notification was not carried out correctly and that there was a fault on the Council's Planning Portal Service. Additional time is requested for the submission of representations.**

Response: I am satisfied that the notification procedure was carried out correctly. The fault referred to by the objector relates to an inability to submit representations electronically and it was only for a short period of time. Letters of objection can be submitted in writing as well as electronically a minimum of five working days prior to the committee date. I am therefore satisfied that the public has had adequate time to submit representations.

- (e) **Concerns about the accuracy of the completed application form. Agricultural land has been included in the site boundary but the tenants have not been notified. The applicant's have declared no trees will be affected, and the 'bad neighbour' section has not been ticked.**

Response: The applicant has confirmed that there are no agricultural tenancies on the land covered by the planning application. I am therefore satisfied that there was no requirement to notify agricultural tenants. The form was completed incorrectly in respect of the loss of trees, however the ES and subsequent correspondence from the applicant clarifies the position in respect of tree removal. In terms of 'bad neighbour' development, the purpose of this section of the application form is to establish if the nature of the development will require the application to be advertised in the press as a 'bad neighbour'. It is noted that the form was completed incorrectly by the applicant, however whether to advertise an application is a matter for the Council to determine in any event. As a result the application has been advertised in the press as a 'bad neighbour'. I am therefore satisfied that the correct publicity has taken place.

- (f) **Objector is concerned about overshadowing from the structures and queries why there are no detailed drawings of the design/height of the proposed buildings.**

Response: The application is 'in principle', and therefore matters of layout and design are not under consideration at this time. If consent is granted further detailed application(s) will have to be submitted which will cover these matters. Adjoining residential properties are situated some distance from the application site and as such I am satisfied that any future development will not cause overshadowing.

- (g) **Objector queries if the proposal involve the storage, manufacture or disposal of hazardous material.**

Response: The application is 'in principle', so this information is not available at this stage. If consent is granted further application(s) will have to be submitted which will show full details of the proposed end use of the buildings. If the proposed use involves hazardous material this would be assessed in the appropriate way.

- (h) **The development will affect my property value.**

Response: This is not a material planning consideration.

- (i) **The public were assured the land would go back to its original condition after the mining. The question of whether consent would be granted if this was a fresh site has been posed, and there is concern that if approved, this development will set a precedent that would result in the development of other open cast sites instead of restoration.**

Response: The restoration work on the Poniel open cast site is well under way and should be completed by the middle of this year. More than half of the application site is allocated in the local plan for development i.e. industrial development opportunity (Policy ECON5) and a potential countryside recreation opportunity (Policy ECON11). In addition to this the majority of Area B has the benefit of outline planning consent as explained in paragraph 3.4.1. The situation at this site is therefore specific and as such I do not consider that approval of this development would set a precedent for other open cast sites to be re-developed rather than restored.

- (j) **Planning permission should not be granted until previous restoration obligations are carried out. In particular, the installation of paths and planting associated with Dalquhandy.**

Response: The matters of restoration of other application sites cannot be covered by the current application.

- (k) **The proposal does not comply with SPP in terms of contributing to sustainable development.**

Response: The proposal's compliance with SPP will be evaluated in the Assessment and Conclusions section of this report.

- (l) **The proposed development should be directed to empty retail and industrial space and previously developed land rather than developing this site.**

Response: The principle of locating this type of use on a significant part of the site has already been established through the previous planning consents and local plan zoning as an industrial development opportunity and potential countryside recreation opportunity. The form of development proposed is unlikely to be suitable for existing units.

- (m) **The development would have a detrimental effect on the visual amenity of the area. The size of the site is excessive and out of proportion to surrounding farm steadings and villages. It is considered that there is a disproportionate incidence of development in the area resulting in cumulative degradation.**

Response: The principle of locating this type of use on a significant part of the site has already been established through the previous planning consents and local plan zoning as an industrial development opportunity and potential countryside recreation opportunity. The ES submitted with the application assesses the potential impact on the visual amenity of the area. It states that the completed development would see buildings extending into a current 'greenfield' site which would inevitably have an impact on the landscape character. However the ES notes the presence of the existing industrial features such as the Dewar's facility, quarrying activities, the M74 motorway and the Birkhill Commerce Park some 2 km to the north and as such the character of the site and its landscape context has already been altered. The ES recommends increasing boundary vegetation and creating natural areas in the western and northern areas of the site and sensitively coloured facades which will assimilate the development into the local landscape. I have given detailed consideration to the matter and conclude that overall the visual

amenity of the area will not be adversely affected and the landscape character will be enhanced through the implementation of the EMP.

- (n) **The objector is aware of the proposed Owenstown development and considers that to permit both developments would be unacceptable.**

Response: To date, a planning application has not been submitted for the development described by the objector. Each planning application is assessed on its own merits.

- (o) **The colour choice of the Dewars facility is inappropriate and this should not be a benchmark for the finish of the proposed units.**

Response: If consent is granted the design and materials of the units would be assessed and controlled under the further detailed planning application(s).

- (p) **Concerns about the adverse impact of noise from the proposed development. Objector points out that when measuring noise, the existing noise levels should not be taken as the norm.**

Response: I note the objectors concerns about the noise measurements in relation to existing mineral activity however a noise and vibration assessment was undertaken by the applicant which revealed that the existing site noise levels are predominantly influenced by road traffic associated with the M74 and B7078. The ES states that measures to control the impact of construction noise have been proposed. It further advises that the likely change in traffic noise levels as a result of the development would be barely perceptible given the existing levels of road traffic noise and the predicted increases occurring gradually over a period of time. In terms of noise from the operational activities and plant such as air conditioning units, noise level limits have been proposed which would ensure that complaints would be unlikely and that the noise impact of such plant would be negligible. These matters can be covered by condition if consent is granted while Environmental Services have not objected to the application.

- (q) **Concerns that the phased style of development will mean ongoing disruption over a significant period of time.**

Response: If consent is granted it is not possible to control the length of time a developer takes to complete the development. Notwithstanding this the Council's Environmental Services do have powers to control construction noise and these matters can be covered by condition if consent is granted.

- (r) **Light pollution is already caused by the Dewar's facility and the open cast operation. Objectors consider this development will make this situation worse.**

Response: If consent is granted the proposed lighting scheme can be controlled by condition.

- (s) **The development of Area C will destroy the objector's amenity removing the only buffer between their property and the operation. The objector has been reassured previously by the applicants that his area would not be mined or developed.**

Response: It is not intended that Area C will be developed, other than the upgrade of the access road. The visual impact of the upgrade of the access road will be properly assessed at the detailed application stage. The ES submitted by the applicant assessed the environmental impact of the development in relation to visual amenity, potential noise issues and dust. Comments on visual amenity and noise are covered by items (m), (o) and (p)

above. Concerns about dust can be covered by appropriate conditions if consent is granted.

- (t) **The objector queries the employment and business demand for this development. There are concerns that the site may be left unrestored/incomplete.**

Response: It should be noted that the principle of this type of development on a part of the site has been established by the previous planning consents and the local plan zoning. The applicant considers that the successful development of the Dewars facility will act as a catalyst to attracting development. In addition, the central position of the site within Scotland means that the site is well placed to distribute goods in all directions. In terms of the condition of the site, restoration will be undertaken under the requirements of previous minerals consents. The current application is 'in principle' so timescales of development are not available at this stage. If consent is granted the applicant would be required to provide phasing details and appropriate landscape planting would be undertaken on the development site which would help to screen the buildings.

- (u) **The proposed development will not be a valuable job resource during construction as it only represents approximately 56 temporary jobs. Once operational the development is estimated to create 1,300 jobs nationally. There is no guarantee that jobs will be filled locally.**

Response: The applicants have given a commitment to filling the majority of the jobs locally. They also advise that the vast majority of jobs at the Dewars facility are filled by local employees.

- (v) **The proposed hotel will compete with a bed and breakfast facility and the objector considers there is no demand for a hotel in the area.**

Response: The issue of competition with existing businesses is not a planning consideration. The principle of visitor accommodation in this area has been established by the previous planning consents and the countryside recreation local plan zoning. The site of the proposed hotel is conveniently located close to the Motorway junction, and opposite existing motorway services.

- (w) **Concern that no retail impact assessment has been submitted. Objector considers that the proposed retail element will only serve those working within the site and there will be no benefit to the local residents. If it is a large-scale retail development then it will compete with the facilities in surrounding settlements.**

Response: The retail element of the proposed development is not of a scale which would compete with the existing facilities in the surrounding area. It is also of a scale that a retail impact assessment is not required. I consider that it will not just serve the employees in the adjoining development, but users of the motorway network as well as local residents.

- (x) **The area is not served well by public transport, so there will be high levels of traffic resulting in increased pollution. There is no commitment by the developer to address the public transport issue.**

Response: The Council's Roads and Transportation Service were consulted along with Transport Scotland and Strathclyde Partnership for Transport. They agree that there is an insufficient public transport service. If consent is granted a condition would be attached requiring the submission of a Public Transport Strategy.

- (y) **Concerns are raised about the safety of cyclists on the SUSTRANS route.**
Response: The TA submitted with the application highlights the current footways and cycleways. The Council's Roads and Transportation Service were consulted along with Transport Scotland and Strathclyde Partnership for Transport. No objections were raised specifically in respect of the safety of cyclists. The cycle routes in the area are mainly situated off-line away from the carriageway. If consent is granted conditions will be attached requiring the submission of proposed pedestrian and cycling links and improvements to the existing routes through the submission of a Travel Plan.
- (z) **Concerns about the volume, speed of traffic on surrounding rural roads, the B7078 and the requirement to use central reservation when wishing to travel north and the number of articulated lorries and other heavy vehicles in vicinity of dwellings. In addition the objector is concerned that when accidents occur at Cairn Lodge traffic is diverted onto Wolfcrooks Road which is a single land road with few passing places.**
Response: The applicant submitted a TA which examined the impact of the proposed development on the local transport network. The TA states that the anticipated traffic generation can be accommodated on the surrounding road network. The Council's Roads and Transportation Services and Transport Scotland were consulted on these documents and they offer no objections. A number of conditions have been suggested which can be attached to any consent granted.
- (aa) **The plans show entrance and exit routes into Area D directly onto the B7078. The objector raises road safety concerns given that the current traffic management system allows south bound traffic to cross the central reservation to gain access to the service area. The objector also queries how traffic leaving the development would rejoin the carriageway heading north. Concerns also raised about the proliferation of directional signage on this road, further signs would cause further distraction.**
Response: The Council's Roads Service was consulted on this proposal and they recommend a single point of access into Area D by the means of a roundabout on the B7078 at the southern access to Cairn Lodge Services. Therefore a condition can be attached to any consent granted to state that no approval has been given to the proposed vehicular access shown on the submitted plans and that the further application(s) shall show the installation of a roundabout and that it should be implemented prior to the occupation of any development in Area D.
- (bb) **Objector states that if the current access to Cairn Lodge Services is impinged they would seek legal recourse as consequences from a business perspective would be devastating. They are concerned that Scottish Government regulations in respect of Motorway Service Areas situated at a motorway interchange must be accessible with a minimum number of traffic manoeuvres. If there were to be any closures to central reservations the objector claims that they may be in breach of their signage agreement.**
Response: As stated under (aa) above, if consent is granted the applicant would be required to install a roundabout on the B7078 at the southern access to Cairn Lodge Services. The applicant's have demonstrated that the roundabout can be accommodated either within their land or the public

carriageway. No central reservations will be closed. It is therefore considered that the proposal will not have an adverse impact on the access to Cairn Lodge Services.

- (cc) **Objector seeks an investigation from the Scottish Government into competition policy as their signage agreement holds various restrictions. The objector considers that this development would benefit from their motorway signs and in their eyes constitute unfair competition.**

Response: Matters such as signage agreements and competition are not material planning considerations.

- (dd) **There is a charge for parking overnight at Cairn Lodge Services for lorries and vans. Objector is concerned that once developed, these vehicles will park in the development in order to save money, unless suitable controls are put in place.**

Response: This is not a material planning consideration.

- (ee) **Public rights of access and rights of way would be affected detrimentally by the proposed development.**

Response: The application is 'in principle' at this stage so the layout of the development is not under consideration. If consent is granted, the application will be fully assessed to ensure the layout does not impinge on any rights of way. The development of footpath links within the site will be conditioned and ultimately the development will improve public access in and around this area.

- (ff) **It is feared the application will exacerbate existing flooding problems and may result in flooding outwith the application site onto adjoining land and waterways causing pollution.**

Response: The Council's Flood Prevention Unit and SEPA were consulted and offer no objections. Conditions can be attached to any consent granted to ensure the submission of a flood risk assessment and that any future applications should include an appropriate drainage system which incorporates SUDS.

- (gg) **The ecological section of the ES is not available which is bad practice and inappropriate for a development of this scale.**

Response: The Ecology chapter of the ES was submitted in August 2010. Neighbours were re-notified and adverts placed in the press to alert the public to the submission of the addendum.

- (hh) **The proposal would have an adverse impact on biodiversity. Happendon Wood is a long established woodland with a diverse habitat for a range of woodland flora and fauna. In addition, otters and water voles are present in Poniel Water. The woodland is situated on peaty soils and therefore will contain higher than normal levels of carbon, and the felling of these trees will lead to the loss of ability for these trees to sequester carbon.**

Response: The ES and additional information submitted by the applicant assessed ecology matters. Appraisal of the habitat has established that it is considered highly unlikely that the red squirrel currently inhabits Happendon Wood. SNH were consulted on this information and agree with this conclusion. No signs of overland movement of otters were recorded during the habitat survey. SNH have advised however that if consent is granted updated surveys should be undertaken and any required mitigation measures

should be undertaken as necessary. In addition SNH have recommended that an ecological buffer zone around the Poniel Water should be implemented, as suggested in the ES. These matters can be covered by condition if consent is granted.

- (ii) **Concern that there will be an adverse impact on Happendon Wood with additional visitors walking through it. This will require money spent on the management.**

Response: I do not consider that the proposal will increase visitor numbers to Happendon Wood to the extent that it will be adversely affected.

- (jj) **The applicants have failed to properly assess the current wildlife population in the area and have failed to acknowledge the effect that this development and their other activities in the area may have upon it. Concerns that the data used is either out of date and the recent data fails to cover the entire area or acknowledge the continuing displacement of wildlife from the Broken Cross site and Mainshill sites. Particular concerns are raised about data produced for badger, great crested newt, otter and vole surveys. In addition concerns that the breeding bird survey only focused on part of the Happendon Wood site and methodology undertaken was inadequate. Also concerns that other forms of wildlife are not mentioned which although not endangered add to the overall ecology of the area.**

Response: The purpose of the ES is to assess the likely significant impacts of the development. I am satisfied with the quality of the ES and consider the findings to be accurate. The nature and scope of all ecological surveys carried out were agreed through consultation with SNH and were undertaken in accordance with relevant guidance and legislation. I do not consider it necessary to assess the combined ecological impacts with the Broken Cross or Mainshill sites. I note the objectors concerns about other forms of wildlife not mentioned in the ES however the aim of the ES is to focus on protected species that may be present on the site.

- (ll) **The ES states that Poniel Farm will probably be demolished. Although not a listed building, it is of historic and archaeological interest and would probably fulfill the criteria of a listed building.**

Response: This matter has been discussed with the applicant and they have agreed to investigate the possibility of retaining the farmhouse and outbuildings with the view to converting them to an appropriate use associated with the development. If consent is granted a condition can be attached to prevent their demolition until this has been investigated and agreed with the Council.

- (mm) **The objector suggests as an alternative development proposal that the appearance of the landscape adjacent to the land south of Poniel Farm could be improved by the creation of a mixed woodland in areas A and B around the perimeter of the Dewars site. Area C should continue to be managed as woodland as well as Area D. The open cast sand workings in areas A which are coming to an end could be partly re-landscaped and managed as a natural habitat for wildlife.**

Response: The Council has to assess the application that has been submitted. If consent is granted a condition will be attached to ensure the further development includes a significant amount of landscape planting. In particular a buffer landscape strip will be incorporated along the Poniel Water

to the north of Area A which will link to retained woodland habitat within the site and existing woodland habitat on adjacent land. There will be minimal loss of trees in Area C.

These letters have been copied and are available for inspection in the usual manner and on the Planning Portal.

6 Assessment and Conclusions

- 6.1 The applicant seeks planning permission in principle for a mixed use development comprising industrial use, storage and distribution warehousing, business units/office accommodation, a hotel, retail/restaurant facility and associated infrastructure and landscaping in an area known as Poniel between Douglas and Coalburn. The determining matters which need to be taken into account in assessing this application are the proposal's compliance with Structure Plan policy, the policies contained in the South Lanarkshire Local Plan and the overarching government guidance as well as transportation implications and the environmental impact.
- 6.2 In terms of Structure Plan policy, the proposal requires to be assessed against Strategic Policy 1 – Strategic Development Locations, Strategic Policy 5 – Competitive Economic Framework, Strategic Policy 9 – Assessment of Development Proposals and Strategic Policy 10 – Departures from the Structure Plan of the approved Glasgow and the Clyde Valley Structure Plan (April 2008).
- 6.3 Strategic Policy 1 – Strategic Development Locations states that priority will be given to investment in particular areas. The site is located within the Rural Investment Area (RIA) which is one of the locations listed in the policy. In the RIA co-ordinated action is required to enhance the environment, diversify the economy and promote access and recreational activity. A range of actions are identified in the Structure Plan including the creation of local jobs. I therefore consider that the proposal accords with these principles.
- 6.4 Strategic Policy 5 – Competitive Economic Framework identifies Strategic Economic Locations which should be promoted for development and safeguarded from inappropriate uses. It also requires that a 10 year potential marketable land supply for industrial and business uses be maintained within the Structure Plan Area. The current proposal is not located within a Strategic Economic Location identified in Strategic Policy 5 however it does include 75 ha of land (Area B) currently identified as 'marketable in rural investment areas', which was granted outline consent in 2005. This does not currently contribute to the marketable supply for the Glasgow and Clyde Valley area due to its peripheral location. The remainder of the site, i.e. Areas A, C and D have no previous consents for industry/business use and do not currently form part of the land supply.
- 6.5 Strategic Policy 9 - Assessment of Development Proposals identifies the criteria which should be applied in the assessment of any planning proposal in order to determine if it accords with the Structure Plan. Strategic Policy 9A relates to the need for the development in terms of the relevant demand assessment. In particular, Strategic Policy 9A(i) requires that the case for the development has been established in terms of the ten year marketable supply of land for industry and business. As noted above the site is not currently part of the 'marketable' supply for the Glasgow and Clyde Valley area however approximately 75ha has a previous outline consent and is on the overall land supply for the Clydesdale Area and South Lanarkshire. It is therefore considered that the principle of industrial/business use has been established on the main part of the site. There is however well in excess of

a 10 year supply both in the Clydesdale area and South Lanarkshire. The proposal does not therefore wholly accord with Strategic Policy 9A (i).

6.6 Strategic Policy 9B relates to the location of the development. The criteria in policy 9B which are relevant to this proposal are:

- (i) – ‘safeguard and avoid the displacement of investment from the development locations identified in Strategic Policies 1, 5, 6 and 8’. As noted above the site is not currently identified as a Strategic Economic Location and could potentially divert development away from more sustainable economic locations identified in the current Plan. Although Poniel is identified as a strategic economic investment location (SEIL) in the Strategic Development Plan (SDP) now under preparation, in recognition of its strategic location on the M74, the proposal does not accord with the Structure Plan.
- (vi) – promote sustainable transport by the application of criteria for sustainable locational choices. Schedule 3 (a)(iii) of the Structure Plan advises that business and industry should be in locations that reduce the need to travel. The proposal involves business units/office accommodation (Class 4) on Area D. Due to the nature of Class 4 business use and the peripheral location of this site relative to public transport networks, this aspect of the development is potentially not consistent with the Structure Plan. However in order to address this issue conditions would be attached to any consent granted requiring the submission of a public transport strategy and bus infrastructure with any future planning applications.

6.7 Strategic Policy 9C relates to the provision by the developer of appropriate infrastructure/mitigation measures. The applicants have submitted a range of information in support of the application that seeks to address such matters. A number of these issues have now been approved while others can be dealt with by conditions if consent is granted.

6.8 From the above assessment, the application is contrary to Strategic Policies 5 and 9, therefore it must be assessed against Strategic Policy 10 which sets out criteria that departures from the Structure Plan have to be assessed against in order for a departure to be justified. Strategic Policy 10A relates to the need for the development in relation to supply and demand estimates. Strategic Policy 10A(i) refers to an updated assessment agreed by the Glasgow and Clyde Valley Joint Committee of the supply and demand estimates used in the Plan. This is a key factor in relation to the current proposal. The Structure Plan is due to be replaced by a SDP. The Main Issues Report has identified key economic growth areas during the SDP period, and accordingly the list of Strategic Economic Locations in the current Plan is being reviewed. Poniel is proposed as a new strategic economic investment location (SEIL), where the growth sector of distribution will be supported. This recognition of Poniel as a potential SEIL is considered to support the current application. The hotel and conference facilities, small scale retail and class 4 uses proposed as part of the mixed development are ancillary uses for a development of this scale. I therefore consider that in the main the application is consistent with the proposed SEIL designation. The ancillary uses to the east of the M74 are considered to be non strategic and will be assessed later in this report. Strategic Policy 10A(v) relates to specific locational need. The site at Poniel is located on the M74 and is at the northern tachograph limit for HGV traffic from the South of England making it a logical location for a distribution park.

- 6.9 Strategic Policy 10B relates to economic, social and environmental benefits. With regard to 10B(i) (economic benefits), proposals can be justified if they involve inward investment for industrial and business purposes that would otherwise be lost to the Structure Plan area, or if they protect existing jobs or create a significant number of net additional permanent jobs to the Structure Plan area. This is a major economic development proposal which has the potential to create significant employment opportunities in the RIA and the potential SEIL. It is therefore considered that the proposal can be justified against Strategic Policy 10B (i). With regard to 10B(ii) (social benefits), the site is within a RIA identified in Structure Plan. This proposal will create employment opportunities in a priority area therefore it is considered that the proposal can be justified against Strategic Policy 10B(ii). With regard to 10B(iii) (environmental benefits), an assessment of the impact of the proposals on the strategic environmental resources identified in the Structure Plan (in this case European Protected Species, a Special Landscape Area and an areas of Ancient Woodland) is set out later. The overall conclusion is that the integrity of these recourses will not be adversely affected. As a result of the assessment of the proposal against Strategic policy 10, I consider a departure from the Structure Plan is justified.
- 6.10 Turning to the South Lanarkshire Local Plan, there are a number of policies which require to be taken into account. Policy STRAT1: Regeneration Priorities sets out the Council's priorities in terms of regeneration and it states that priority will be given to regeneration in a number of locations, including the Rural Investment Area within which the application sits.
- 6.11 The site is divided into 4 areas. The majority of Area B is zoned for industrial use where Policy ECON5: Proposed Industrial Sites applies. This policy supports development for industry and business on this site. Outline planning permission was granted in April 2005 for the erection of industrial, storage and distribution, specialised retail and office use, visitor related facilities, associated infrastructure and landscaping on land which forms part of the current planning application site. Detailed planning permission was subsequently granted for a whisky storage and blending facility, with associated landscaping, roadworks and infrastructure on part of this site in November 2007. This is the Dewar's facility which is partly built-out and operational. The remainder of the site covered by the outline application therefore still has the benefit of outline planning permission and this forms the majority of Area B. In view of the industrial zoning of Area B and the existing outline planning consent I am satisfied that the principle of developing this part of this site is acceptable and complies with local plan policy. Area C and a small portion of Area B are affected by Policy ECON11: Potential Countryside Recreation Opportunity which states that the Council recognises the potential for tourist related and countryside recreation developments in the Douglas Castle Policies. No development is currently proposed within Area C other than the upgrade of an existing access road. The applicant has shown on the indicative masterplan that this area may be subject to potential future development. I consider that the upgrade of the access road will not have an adverse impact on amenity and if consent is granted a condition would be placed on the consent to restrict development in this part of the site.
- 6.12 The remainder of the site i.e. Area A and Area D is covered by Policy STRAT5: Rural Investment Area. This policy states that the local plan strategy will be to support sustainable communities within this area through measures that tackle exclusion and isolation and redress imbalances of economy and housing type provision, particularly where this involves renewal proposals. It advises that business and industrial proposals should conform to Policy CRE2 – Stimulating the Rural Economy. This

policy states that the Council will endeavour to maximise job creation in rural areas outwith established settlements by encouraging development in certain circumstances such as extension of existing premises and re-use or conversion of existing redundant rural buildings. Neither of these scenarios are relevant in this instance. The policy gives a list of appropriate uses where new-build development may be appropriate in the rural area, however with the exception of the proposed hotel the proposed development of Area A and D does not comply with this policy.

- 6.13 Government guidance encourages a flexible approach to economic development. Planning authorities need to ensure that there is a range of marketable sites for businesses, including opportunities for mixed use development, stressing the importance of access to the strategic road and rail network for manufacturing, warehousing and distribution uses. It further states that high environmental quality can be an important component in attracting investment into an area and can provide important economic opportunities, for example through tourism and recreation. Structure Plan policy encourages development in strategic economic locations. The site is not currently identified as such however the proposal will meet a specific locational need given its location on the M74 and has the potential to create employment in a priority area. In addition to this Poniel has been identified as a potential SEIL in the SDP Main Issues Report. The principle of economic development based around warehouse/distribution uses at this location is consistent with emerging policy and is in line with government guidance. In view of this I consider that a departure from Policy STRAT5 and CRE2 can be justified in this instance.
- 6.14 The indicative masterplan submitted with the application shows the creation of 3 separate class 4 business units/office accommodation which extends to a total of 9290 square metres of floorspace in Area D. Policy ECON7: Strategic Office Development states that major office developments of more than 2000 square metres will be directed to the strategic business centres of East Kilbride and Hamilton or other business locations at Larkhall or the Clyde Gateway. The proposal therefore does not comply with this policy. However I consider a departure to the policy is acceptable in this instance as the office use is ancillary to the Class 5 and 6 uses proposed.
- 6.15 The proposal includes an element of retail which is indicated as a single retail/restaurant unit within Area D extending to 1393 square metres in size. Policy COM3: New Retail/Commercial Development states that new proposals for retail/commercial development shall be assessed against certain criteria using the sequential approach set out in government guidance as follows;
- ▶ it should not undermine the vitality and viability of town/village centres,
 - ▶ it should support the area's catchment population,
 - ▶ it should complement regeneration strategies for the area, and
 - ▶ it should promote sustainable development.

The Policy advises that major development proposals should be accompanied by a retail assessment. I consider the level of retail proposed is minor given that the 1393 square metres will be divided between retail and restaurant use. A retail impact assessment is therefore not necessary in this instance. I am satisfied that the proposed retail use does support sustainable development, will not undermine the vitality and viability of the town/village centres, and can be supported by the area's catchment population which includes the local residents, the employees of the existing and proposed business and industrial uses in the area and by custom from the users of the adjacent motorway.

- 6.16 Policy ECON9: Tourism Development is relevant in the assessment of the hotel which is proposed within Area D. This policy supports proposals to develop and expand tourism in the Council area, including the provision of additional tourist accommodation provided there are no adverse impacts on natural and built heritage resources or unacceptable implications for infrastructure. As a result I do not consider that the proposal would have any unacceptable implications on the environment or infrastructure. As advised previously, other parts of the application site i.e. Area B and C are covered by Policy ECON11: Countryside Recreation Opportunities which recognises the potential for tourist related developments at Douglas Castle Policies. The location of the proposed hotel in Area D is close to Douglas Castle Policies and other leisure/visitor attractions while the principle of allowing hotel facilities in the area has been established by the previous consents described earlier. The proposed hotel will also serve as a conference facility and benefits from a specific locational need servicing the existing and proposed adjacent business and industrial developments and motorway users.
- 6.17 In terms of transportation implications a number of policies are relevant; Policy TRA1: Development Location and Transport Assessment, Policy TRA2: Walking, Cycling and Riding Routes, Policy TRA4: Bus Provision, Policy TRA8: Car Parking. Policy TRA 1 states that the Council will promote transport and land use planning principles which encourage and support the use of land in highly accessible locations for predominantly people-based development and seek to ensure that development takes account of the need to provide proper provision for walking, cycling and public transport. It further states that the transportation implications of major developments will require to be set out in a Transport Assessment and the preparation of Green Travel Plans. The remaining policies seek to safeguard existing and proposed walking and cycling routes, to ensure that developers of major developments work with Strathclyde Partnership for Transport and bus operators to extend bus services and to ensure car parking standards are applied as set out in the Council's Guidelines for Development Roads.
- 6.18 The applicant has submitted a TA with this application and the Council's Roads Service and Transport Scotland are satisfied there will not be an adverse impact on the road network and have offered no objection to the proposal so long as conditions are attached to ensure the:
- ▶ provision of pedestrian/cycling facilities within the site and linking the site with the surrounding area,
 - ▶ submission of a Public Transport Strategy detailing the frequency and routing of new and/or amended bus services,
 - ▶ submission of a Travel Plan,
 - ▶ provision of adequate parking provision,
 - ▶ submission and implementation of appropriate drainage, and
 - ▶ provision of a new roundabout to access Area D of the development which will jointly serve the Cairn Lodge Services.

On the basis of the above, I am satisfied that the proposal complies with these requirements and can be conditioned into any consent granted.

- 6.19 The applicant submitted an ES which assessed the potential impact of the proposal on the environment. In addition to this further ecological information was submitted by the applicant during the processing of the application. The information is summarised below:

- Construction

The phased construction programme across the entire site is expected to span up to 10 years. A Construction Environmental Management Plan (CEMP) to eliminate, reduce or offset adverse environmental impacts would be implemented during the construction phase. The CEMP would be provided to the Council prior to commencement of work on site and would cover such matters as phasing, construction hours, baseline levels for noise, vibration and dust monitoring and the details of proposed routes for heavy goods vehicles.
- Socio Economics

Construction of the proposed development is predicted to provide a total of approximately 84 full time jobs with approximately 67% of these jobs being sourced locally. This would represent a substantial beneficial impact to local employment levels. Once operational the industrial/storage and distribution element of the proposed development has been calculated to contribute approximately 1,300 jobs with the hotel, retail and business element contributing to approximately a further 360 jobs. The bulk of these jobs would be created in the local area. The ES states that when considered in conjunction with the adjacent Dewar's facility, this employment creation represents beneficial impacts to the local job market. Appropriate measures, including a more in depth assessment of the local labour market and the formation of suitable employability and training schemes for local people would be required to ensure the local communities benefit from the predicted construction and operational employment opportunities. If consent is granted a condition could be attached to any consent granted requiring the applicant to submit this information with any subsequent applications.
- Transportation & Access

A TA was undertaken which showed that the road network surrounding the site is relatively lightly trafficked and currently operates well below capacity. Construction traffic would result in increased flows but the existing network could easily accommodate the number of vehicles likely to be generated. Transport Scotland and the Council's Roads Service accept these findings. Impacts from noise, dust and deposition of debris can be controlled through the implementation of the CEMP.
- Ecology

The ecology work has been the subject of close discussion with SNH. The ES recommends a distance of approximately 100m should be maintained between any development within Area A and Poniel Water, thus avoiding any direct ecological impacts due to habitat loss by maintaining a buffer between the proposed development and the watercourse. No built development would occur within Area C other than the construction of an access road. The coniferous woodland habitat there would therefore be largely retained. Mitigation measures would be included within an Environmental Management Plan (EMP) for the proposed development which would be drafted by the applicant during the detailed design stage. The proposed mitigation measures would include; provision of areas of species rich semi-improved grassland and marshy grassland situated close to the buffer zone between Area A and Poniel Water, mitigation area in the north-east of Area D to mitigate the area of wet heath land and dry scrub habitat that would be lost under the development footprint along the western edge of Area D; establishment of woodland belts around the edges of each parcel of built development; and drainage design to include SUDS to protect Poniel and Douglas Water from

any pollution. The habitats present within the site are known to currently support protected species including bats, breeding birds, badgers, otters and common lizards. Impacts to otter and water vole would be avoided as Poniel Water would not be adversely affected by the development. Mitigation measures to be implemented in respect of bats and reptiles would reduce any potential impacts to these species. There would be some small scale residual impacts to breeding birds, barn owls and badgers as a result of predicted habitat losses. Detailed proposals for the mitigation of these impacts would be provided during the detailed design stage. SNH are satisfied with the conclusions of the survey work and mitigation and overall I consider the ecological impact will not be adverse.

- *Landscape and visual impact*

Area D lies within a Special Landscape Area. The uplands encircling the site form a natural bowl limiting the visibility of the site from surrounding environment. The ES states that this coupled with the undulating lowland terrain, complex incised river valleys and scattering of woodland, blocks the site from view from localities. There would inevitably be disruption caused to the site and its environs as a result of the construction phase and the completed development would see the extension of built form into a currently predominantly greenfield site. However the presence of industrial features such as the Dewars development, quarrying activities, the M74 motorway as well as other sporadic large commercial buildings within the landscape such as the Birkhill Commerce Park mean that the site and its landscape context should not be regarded as pristine. As such the completed development cannot be considered to be incongruous to this environment. The proposal will strengthen vegetative boundaries and create natural areas in the western and northern areas of the site.

- *Archaeology and cultural heritage*

Across the majority of the site the proposed development would be unlikely to have any significant adverse impact on archaeological resources. A limited amount of further investigation in the form of archaeological evaluation over the areas of higher potential will be required. If consent is granted this would be covered by a condition.

- *Noise and vibration*

A noise and vibration assessment was undertaken and the baseline noise measurements revealed that the existing site noise levels are predominantly influenced by road traffic associated with the M74 and B7078. Measures to control the impact of construction noise are proposed that are capable of ensuring that the criteria adopted for the assessment are achieved and that construction noise impacts are, at most, of minor adverse significance. Mitigation measures have been proposed for the buildings within Area D to ensure a provision of a good to reasonable standard of internal noise. In terms of the likely change in traffic noise levels as a direct result of the proposed development the majority of the most affected receptors in the area would experience barely perceptible increases in road traffic noise.

- *Ground conditions and water resources*

The majority of the site is considered to be at low risk of contamination, with slightly higher risks in areas such as the sand and gravel quarry. Potential pollution impacts on watercourses and groundwater during construction would be controlled by the adoption of good site working practices and appropriate construction methods, which would be specified in the CEMP. In

addition, potential pollutant sources identified during the works would be treated and/or disposed of in accordance with relevant legislation and guidance to remove potential for impacting water resources. Once the development is operational, pollution from on-site sources such as car parks and fuel storage would be minimised through the installation of an appropriately designed surface water drainage system. Impacts to human health and nuisance to surrounding residents due to dust creation during construction would be controlled through best practice measures implemented through the CEMP. Any dust impacts would likely be minimal. A flood risk assessment would be carried out during the detailed design stage of the development and all new buildings would be suitably sited so as to avoid areas of greatest flood risk. The implementation of SUDS infrastructure would ensure suitable discharge rates from the development to Poniel and Douglas Water.

- Cumulative Impacts

An assessment of the impacts of the development in combination with consented schemes within the surrounding area has been undertaken. It is anticipated that during construction works dust, noise and visual intrusion could arise in combination. However these impacts would be reduced through effective site management practices, implemented via a CEMP for the proposals. It is considered unlikely that significant adverse impacts will occur either during construction or operation, with the exception of minor adverse impacts on landscape character and certain strategic/long range views.

6.20 The ES has established that three bat roosts are present within the buildings associated with Poniel Farm. In addition to this trees will be removed within the development site. As the development has a potential impact upon these European Protected Species, the Council has a duty to carry out an appropriate assessment prior to granting planning consent. This is outlined in Policy ENV21: European Protected Species. In that respect the following three tests have to be met to justify the issuing of a license to carry out work which could potentially affect European Protected Species. These are as follows:

- i) The proposal is necessary for preserving public health or public safety or other imperative reasons of overriding public interest including those of a satisfactory or economic nature and beneficial consequences of primary importance for the environment.
- ii) There are no satisfactory alternatives.
- iii) The proposal will not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range.

In response to the first test, while the proposal is not necessary for preserving public health or public safety, I consider that there is an overriding economic reason in this instance. An area has been identified as housing bat roosts which is located adjacent to a site zoned for industrial use. It has been shown through the assessment of the proposal against development plan policy and government guidance that the proposal is acceptable and generally consistent with policy and has taken into account other material considerations. It is a major development which has the potential to create significant local employment in the Rural Investment Area.

In terms of the second test I consider that there is no satisfactory alternative in respect of siting this scale and type of development in the locality. The applicant has agreed to investigate the possibility of re-use and conversion of the buildings as part of the overall development and a condition will be attached to any consent granted to prevent their demolition until this has been investigated and agreed with the Council.

Finally in terms of the third test SNH have recommended that various conditions are attached to any consent granted. They agree that the use of the condition preventing the Poniel Farm buildings from being demolished until the possibility of their re-use is investigated and agreed with the Council is acceptable while a condition will also prevent the further loss of trees until the survey methodology of further bat surveys has been agreed. I consider that with the inclusion of these conditions the proposal will not be detrimental to the conservation status of bats. I am therefore satisfied that the above tests have been met.

Having carefully assessed the contents of the ES and the proposal against the three tests above I am satisfied that the proposal complies with Policies ENV4: Protection of the Natural and Built Environment, ENV29: Special Landscape Areas and ENV21: European Protected Species.

6.21 In summary, a significant portion of this development is located within a proposed industrial site as defined in the South Lanarkshire Local Plan and has the benefit of outline planning consent. The remainder of the site falls within the Rural Investment Area and the development of this part of the site is contrary to the development plan, however I do not consider that this is a significant departure. The Poniel area has been recommended as a new Strategic Economic Investment Location in the forthcoming Strategic Development Plan. The proposal is a major application which will boost the economy and bring a significant amount of new employment to the area. Government guidance emphasises that the planning system has a significant role in supporting sustainable economic growth in rural areas and that developments which provide employment or community benefits should be encouraged. In view of this and after careful assessment I am satisfied that the development is acceptable and that a departure from the adopted South Lanarkshire Local Plan can be justified for the following reasons:

- (i) The proposal will generate local employment opportunities within the Rural Investment Area.
- (ii) A significant portion of the site is zoned for industrial use and has the benefit of outline planning consent for a similar proposal. The overall proposal will complement this development opportunity and that of the existing Dewars facility.
- (iii) The site is easily accessible from the strategic road network (M74) while measures will be implemented to encourage the use of public transport.
- (iv) There will not be an adverse impact on the landscape character of the area and opportunities exist to provide additional woodland planting and the creation of new habitats
- (v) There are no infrastructure issues or road safety implications
- (vi) There will not be an adverse impact on ecology
- (vii) There is a history of planning consent for mixed use developments in this area
- (viii) There are no objections from statutory consultees.

On the basis of the above I therefore recommend that planning consent be granted.

7 Reasons for Decision

7.1 For the reasons set out in 6.21 above.

Colin McDowall
Executive Director (Enterprise Resources)

1 March 2011

Previous References

- ◆ P/LK/85/131
- ◆ P/LK/01910516
- ◆ CL/99/0068
- ◆ CL/04/0877
- ◆ CL/07/0862
- ◆ CL/08/0630
- ◆ CL/09/0285
- ◆ CL/04/0679
- ◆ CL/07/0545

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Pre application consultation report by WYG Planning & Design March 2010
- ▶ Supporting Planning & Design Statement by WYG Planning & Design March 2010
- ▶ Environmental Statement by Waterman dated March 2010
- ▶ Environmental Statement Ecology Addendum by Waterman August 2010
- ▶ Transportation Assessment by Savell Bird & Axon dated March 2010
- ▶ Stage 1 Road Safety Audit by Stewart Paton Associates Ltd dated December 2010

- ▶ Consultations
 - Scottish Natural Heritage
12/05/2010
02/11/2010
23/12/2010
24/01/2011
01/03/2011

 - Roads & Transportation Services H.Q. (Flooding) 09/06/2010

 - Environmental Services
12/05/2010
20/01/2011

 - Historic Scotland
10/05/2010
22/10/2010

 - Roads & Transportation Services H.Q.(Traffic and Transportation) 14/01/2011

 - West of Scotland Archaeology Service 07/05/2010

 - TRANSCO (Plant Location) 20/05/2010

Scottish Water	04/05/2010 28/09/2010
Health & Safety Executive	10/05/2010 27/07/2010
Scottish Wildlife Trust	11/05/2010 10/11/2010 07/12/2010
Scottish Government	28/09/2010 26/10/2010
S.E.P.A. (West Region)	31/05/2010 06/10/2010 15/01/2011
Roads and Transportation Services (Clydesdale Area)	11/06/2010
Scottish Power Energy Network	27/05/2010
Community Resources	13/10/2010
Transport Scotland	05/11/2010
Forestry Commission	20/05/2010 02/11/2010
Strathclyde Partnership for Transport	29/06/2010
The Coal Authority	10/05/2010 10/08/2010
Glasgow & Clyde Valley Structure Plan Joint Committee	15/02/2011

► Representations

Representation from : Donna Hood, Managing Director, Cairn Lodge Services,
Douglas
ML11 0RJ DATED 18/05/2010 & 11/10/2010

Representation from : Julie A Kinnair, Birkhill House, Coalburn
ML11 0NJ DATED 28/06/2010

Representation from : Jan Sinclair, Heal the Earth Ayrshire, 9 Manse Street,
Kilmarnock, KA1 3BB DATED 06/07/2010

Representation from : Mandy Meikle, 42 Woolfords, West Calder, EH55 8LH
DATED 06/07/2010

Representation from : Sophie Rose, Birkhill House, Coalburn, ML11 0NJ

DATED 06/07/2010

- Representation from : Tim Cowan, 25 Moorburn Road, Largs
KA30 9JB DATED 06/07/2010
- Representation from : Maria MacKinnon, 9 Wellbank Gardens, West Kilbride
DATED 06/07/2010
- Representation from : Michael Nisbet Architect, 85 Main Street,
Symington, ML12 6LL DATED 20/07/2010
- Representation from : Ruth S Provan, Parkhall Farm, Douglas, Lanark
ML11 9PD DATED 18/10/2010
- Representation from : Lorna Marcham, l_marcham@yahoo.co.uk
DATED 04/06/2010
- Representation from : Mr C Moffat, Tofts Gate. Happendon, Douglas
ML11 9PA DATED 14/05/2010 & 13/10/2010
- Representation from : David Brown, 2 Happendon Cottage, Douglas
ML11 9PA DATED 13/10/2010 & 20/05/2010
- Representation from : Bryony Hopkinshaw, The Old Farm Shop, Mortimer Hill
Mortimer, Berkshire, RG7 3PW, DATED 04/08/2010
- Representation from : Mr S Ahmed, Ali-sons, 71-73 Abbeygreen, Lesmahagow
ML11 0EF DATED 02/07/2010
- Representation from : Nicola Bartie, 17 Abbeygreen, Lesmahagow
DATED 02/07/2010
- Representation from : Jessie Bennie, 144 Carlisle Road, Blackwood
ML11 9RJ DATED 02/07/2010
- Representation from : J Carty, 18 Park Street, Blackwood
DATED 02/07/2010
- Representation from : P Clark, 6 Park Street, Coalburn
ML11 0LY DATED 02/07/2010
- Representation from : Mr & Mrs W Cross, Nethertoun Croft, Coalburn
ML11 0NH DATED 02/07/2010
- Representation from : Mrs A Crowther, 29 Abbeygreen, Lesmahagow
ML11 0EQ DATED 02/07/2010
- Representation from : Fiona Duncan, Pennyghael, Sandilands, Lanark
ML11 9TR DATED 02/07/2010
- Representation from : D M Forrest, 51 Priory Avenue, Lesmahagow
DATED 02/07/2010
- Representation from : Emma Higgins, 79 Abbeygreen, Lesmahagow
ML11 0EF DATED 02/07/2010

Representation from : Peter McLeish, 211 Bellfield Road, Coalburn
ML11 0NQ DATED 02/07/2010

Representation from : Laura Mitchell, 30 Sanderling, Lesmahagow
DATED 02/07/2010

Representation from : Miss J Savage, 47 Coalburn Road, Coalburn
ML11 0LH DATED 02/07/2010

Representation from : Jan Schlopp, 1 Malvern Road, London
E8 3LT DATED 04/08/2010

Representation from : William Smith, Park House, West Park Lane
Sedgefield Co Durham DATED 08/09/2010

Representation from : Sally James, 2 Lincoln Street, Norwich
DATED 08/09/2010

Representation from : Alison Garrigan, 124 Hadfield Close
M14 5LY DATED 08/09/2010

Representation from : Andrea Lee, 2 Douglas Crescent, Carlton, Notts, NG4 1AN
DATED 08/09/2010

Representation from : Ms Winter, Birkhill House, Coalburn, ML11 0NJ
DATED 01/06/2010

Representation from : M Murray, 6 Cairnhouses Road, Douglas
ML11 0RS DATED 01/06/2010

Representation from : C Ince, Blairerno, Stonehaven
AB39 3YL DATED 01/06/2010

Representation from : A Robinson, 5 Cairnhouse Road
Douglas ML11 0RS

Representation from : Emma Logie, 11 Nelmes Road, Hornchurch, Essex
RM11 3HX DATED 15/10/2010

Representation from : Heather Scott, Craigend Cottage, Westoun, Near Coalburn,
Lanark, ML11 0NH
DATED 12/10/2010

Representation from : Mr J Agnew, 3/1 Hopetoun Crescent, Edinburgh
EH7 4AY DATED 20/07/2010

Representation from : John Woosley, Coal Action Network
DATED 02/06/2010

Representation from : Mr and Mrs Scott, Craigend Bed and Breakfast, Craigend
Cottage, Westoun Near Coalburn ML11 0NH
DATED 26/05/2010

Representation from : Lucy Mason, 5 Warrender Park Crescent, Edinburgh

EH9 1DX DATED 01/06/2010

- Representation from : Mr Max Oakes, Hill of Carnoustie, Turriff
AB53 4LL DATED 02/06/2010
- Representation from : Ms Freya Morton, Birkhill House, Coalburn
ML11 0NJ DATED 02/06/2010
- Representation from : Ms E Benedetti, 5 Newmains Home Farm
Douglas ML11 0RH DATED 02/06/2010
- Representation from : Helen Bullen, helenbullen@hotmail.co.uk
DATED 02/06/2010
- Representation from : Mandy Evans Ewing, mandy.evans@ntlworld.com
DATED 02/06/2010
- Representation from : Beth Evans, zezelenat@riseup.net
DATED 02/06/2010
- Representation from : Becky Wrench, Coal Action Scotland
DATED 02/06/2010
- Representation from : I Mathie, Birkhill Farm Cottage, Coalhill
Coalburn ML11 0NT DATED 02/06/2010
- Representation from : Karen Fallon, Birkhill House, Coalburn
ML11 0NJ DATED 02/06/2010
- Representation from : Elaine Tully, 5 Cairnhouses Road, Douglas
ML11 0RS DATED 02/06/2010
- Representation from : M Leach, 18/2 Ivanhoe Crescent
Edinburgh, EH16 6AU DATED 02/06/2010
- Representation from : Stephen Cox, 1 Birkhill Cottage, Coalburn
ML11 0NJ DATED 02/06/2010
- Representation from : Roz Bullen, 18/2 Ivanhoe Crescent
Edinburgh DATED 02/06/2010
- Representation from : Bruce Luckhurst, Birkhill House, Coalburn,
ML11 0NJ DATED 02/06/2010
- Representation from : Gareth Simpson, Talamh Housing Co-op, Birkhill House,
Coalburn, ML11 0NJ DATED 02/06/2010
- Representation from : Anna R L Coldham, Birkhill House, Coalburn,
ML11 0NJ DATED 02/06/2010
- Representation from : Kirsteen Bruce, Birkhill House, Coalburn,
ML11 0NJ DATED 02/06/2010
- Representation from : Iona Murray, pudpud@riseup.net
DATED 02/06/2010

- Representation from : P Smith, 50 Old Burdiehouse Road, Edinburgh, EH17 8BH
DATED 02/06/2010
- Representation from : Mr Malcolm C Dixon, Birkhill House, Coalburn, Lanark,
ML11 0NJ DATED 03/06/2010
- Representation from : Mr Robert Conn, 5 Cairnhouses, Douglas,
ML11 0RS DATED 07/06/2010
- Representation from : Mr David Elliot, c/o Birkhill House, Coalburn
ML11 0NJ DATED 07/06/2010
- Representation from : Rosemary Booth, St Michael's Lodge, Pencaitland,
Tranent, EH34 5DN DATED 25/05/2010
- Representation from : Mr & Mrs Hunter, Eastertofts, By Douglas,
ML11 9PA DATED 30/09/2010
- Representation from : Aileen G Hamilton, Nayrnfield, 20a Devonburn Road,
Lesmahagow, ML11 9PX DATED 11/10/2010
- Representation from : James M Hamilton, Nayrnfield, 20A Devonburn Road,
Lesmahagow ML11 9PX DATED 11/10/2010
- Representation from : Gary Taylor, 40 Priory Lane, Lesmahagow, South
Lanarkshire, ML11 0BX DATED 01/11/2010
- Representation from : Amanda Cruise, 43 East Princes Street, Helensburgh
G84 7DF DATED 12/08/2010

Contact for Further Information

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

Gail Rae, Planning Officer, Council Offices, South Vennel, Lanark, ML11 7JT
Ext 3205 (Tel: 01555 673205)
E-mail: Enterprise.lanark@southlanarkshire.gov.uk

Permission in principle

PAPER APART – APPLICATION NUMBER : CL/10/0180

CONDITIONS

- 1 This decision relates to drawing numbers:
 - (90)001
 - (90)002 Rev B
 - (90)003 Rev C
 - (90)004 Rev B
 - (90)005 Rev C
 - (90)006 Rev D

- 2 Prior to the commencement of development on site, a further application(s) for the approval of the matters specified in this condition must be submitted to and approved by the Council as Planning Authority. These matters are as follows:
 - (a) the layout of the site, including all roads, footways, parking areas and open spaces;
 - (b) the siting, design and external appearance of all building(s) and any other structures, including plans and elevations showing their dimensions and type and colour of external materials;
 - (c) detailed cross-sections of existing and proposed ground levels, details of underbuilding and finished floor levels in relation to a fixed datum, preferably ordnance datum.
 - (d) the means of access to the site;
 - (e) the design and location of all boundary treatments including walls and fences;
 - (f) 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;
 - (g) the means of drainage and sewage disposal;
 - (h) flood risk assessment and drainage assessment
 - (i) a comprehensive site investigation
 - (j) a detailed method statement and a risk assessment for Scottish Water
 - (k) a local labour market assessment and details of the formation of suitable employability schemes to ensure the local communities benefit from the predicted construction and operational employment potential
 - (l) design and access statement
 - (m) landscape and visual impact assessment
 - (n) Travel Plan
 - (o) construction work phasing details including details of circulation of vehicles and pedestrians
 - (p) details of lighting
 - (q) a noise impact assessment to assess the impact of traffic noise from the M74 on the proposed hotel accommodation

- 3 The application(s) for approval of these further matters must be made to the Council as Planning Authority before whichever is the latest of the following:
 - (a) expiry of 3 years from when permission in principle was granted
 - (b) expiry of 6 months from date when an earlier application for approval was refused, and
 - (c) expiry of 6 months from date on which an appeal against the refusal was dismissed.

Approval of the further specified matters can be made for -
(i) different matters, and
(ii) different parts of the development
at different times.

Only one application for approval of matters specified in conditions can be made after 3 years from the grant of planning permission in principle.

- 4 That no consent is hereby granted for any of buildings or internal access routes shown on the application plan.
- 5 That no built development shall take place within:
 - Area C other than the upgrade of the access road as shown on Drg No (90)005 Rev C.
 - a 100 metre buffer along the southern and eastern banks of Poniel Water
 - the area of land in Area B which overlaps with the land to be restored under planning application CL/09/0285
 - the remainder of Area D outwith the development footprint as shown on Drg No (90)005 Rev Call to the satisfaction of the Council as Planning Authority.
- 6 That no consent is hereby granted for the demolition of Poniel farmhouse, the farm cottage or associated farmbuildings shown in PINK on the approved plans and that prior to the submission of the further application(s), required under the terms of condition 2 above, for Area A, details of investigations into the proposed retention of these buildings and their re-use as part of the development shall be submitted to and approved in writing by the Council as Planning Authority. This information shall include details of evidence of the marketing of the buildings and surveys to demonstrate whether each of the buildings are structurally sound and are able to be re-used. The subsequent application for Area A shall then include existing floor plans and elevations of the buildings, confirmation of which buildings will be demolished (if any), and proposed floor plans and elevations of their conversion (if any).
- 7 That no trees within the application site shall be lopped, topped, pollarded or felled, and no shrubs, hedges, grassland or water features shall be removed from the application site without the prior written consent of the Council as Planning Authority.
- 8 Details of the phasing of the development shall be submitted to the Council for approval, and shall be based on the sequence listed in paragraph 1.2.2 of the Supporting Planning & Design Statement by SRG Estates Ltd dated March 2010, and no work shall begin until the phasing scheme has been approved in writing. Following approval, the development shall be implemented in accordance with the approved scheme unless otherwise agreed in writing with the Council as Planning Authority.
- 9 That the further application(s) required under condition 2 above shall include a landscape management plan containing details of proposed landscape planting which shall include:
 - compensatory woodland planting and a broad assessment of the impact on carbon and relevant greenhouse gases
 - the strengthening of boundary planting and provision of a 100 metre natural buffer area along the northern and western boundaries following the dismantled railwayline

- a gateway feature to each part of the development

- 10 That the further application(s) required under condition 2 above shall include a Construction Environmental Management Plan (CEMP) based on the matters identified in the Environmental Statement and Ecology Addendum prepared by Waterman dated March 2010 and August 2010 and shall include matters such as:
- storage of fuels and other potentially polluting/hazardous materials
 - general pollution prevention guidelines for the construction works,
 - a detailed Pollution Incident Response Plan,
 - a soil management plan
 - measures for the identification and appropriate treatment/removal of potential contamination sources including any tanks and pipe work from the site prior to construction works,
 - construction traffic routing,
 - vehicle sheeting
 - wheel cleanliness
 - measures to control construction noise,
 - dust nuisance best practice measures.
- 11 That the further application(s) required under condition 2 above shall include an Environmental Management Plan (EMP) based on the matters identified in the Environmental Statement and Ecology Addendum prepared by Waterman dated March 2010 and August 2010 and shall include matters such as:
- inclusion of areas of species rich semi-improved grassland and marshy grassland close to retained habitats adjacent to the buffer zone between Area A and the Poniel Water,
 - a mitigation area in the north-east of Area D enhanced and managed to mitigate the area of wet heathland and dry scrub habitat that would be lost under the development footprint along the western edge of area D,
 - woodland belts around the edges of each parcel of built development linked to retained woodland habitat and existing woodland habitat on adjacent land,
 - ponds designed in accordance with paragraphs 6.11 and 6.12 of the Ecology Addendum,
 - details of bat roost boxes to be installed as per paragraphs 6.13 and 6.14 of the Ecology Addendum,
 - details of lighting during construction and operational phases
 - badger protection plan including mitigation measures as per paragraphs 6.22, 6.23, 6.24 and 6.25 of the Ecology Addendum,
 - details of methodology for any clearance work which would affect any habitats for breeding birds
 - details of the provision of barn owl boxes positioned at suitable locations within areas of habitat likely to be used by barn owls for feeding
 - updated bat, otter and badger surveys
 - mitigation measures which would benefit breeding birds likely to be found within the un-surveyed areas
- 12 All external colours shall be agreed in writing with the Council as Planning Authority prior to the commencement of works.
- 13 That the retail floorspace hereby approved shall not exceed 1000 square metres (gross) in size.
- 14 That the further application(s) required under Condition 2 above shall include a scheme showing proposed pedestrian and cycling links. The scheme,

incorporating street lighting and road crossing arrangements, shall include provision for proposed footways and cycle ways from the northern access of Areas A and B to;

- (a) the existing public footway north of the junction of the B7078 (Carlisle Road) with the M74 North bound on-ramp at Junction 11.
- (b) the access of Area D
- (c) the south west edge of Area C along the haul road
- (d) the existing upgraded section of NCR74 adjacent to Area D

The footways and cycleways specifically associated with each of the four areas (A, B, C & D) shall be designed and constructed to the satisfaction of the Council as Planning Authority prior to the occupation of any part of the corresponding Area unless otherwise agreed in writing with the Council as Planning Authority.

- 15 That the further application(s) required under condition 2 above shall include a scheme showing a proposed footway and cycling network within the site. The footways and cycleways specifically associated with each of the four areas (A, B, C & D) shall be designed and constructed to the satisfaction of the Council as Planning Authority prior to the occupation of any part of the corresponding Area unless otherwise agreed in writing with the Council as Planning Authority.
- 16 That the further application(s) required under condition 2 above shall include details of cycle storage provision (in accordance with guidance provided in Transport Scotland: Cycling by Design 2010) and other related facilities eg showering, changing provision and staff lockers and these measures shall be implemented to the satisfaction of the Council as Planning Authority prior to the occupation of any part of the corresponding area unless otherwise agreed in writing with the Council as Planning Authority.
- 17 That the further application(s) required under condition 2 above shall include a Public Transport Strategy detailing the frequency and routing of new and/or amended bus services. The strategy, which should link to the development phasing plan, shall include travel information to ensure users are aware of pedestrian, cycle and public transport provision. This public transport strategy shall be approved by the Council as Planning Authority in consultation with Strathclyde Partnership for Transport before any work starts on site.
- 18 That the further application(s) required under condition 2 above shall include details of new bus infrastructure, external to and within the development site, including footways, appropriate crossing points, shelters, lighting, lay-bys and bus stops. The infrastructure specifically associated with each of the four areas shall be designed and constructed to the satisfaction of the Council as Planning Authority prior to the occupation of any part of the corresponding area unless otherwise agreed in writing by the Council as Planning Authority.
- 19 That the further application(s) required under condition 2 above shall show provision of parking to a level and distribution to the satisfaction of the Council as Planning Authority and considers the standards detailed in SPP and the Councils Guidelines for Development Roads.
- 20 That the further application(s) required under condition 2 above shall not exceed the following gross floorspaces for each use in each area:
Area A - Storage and Distribution (Class 5 & 6) - 119,844.9 square metres

Area B - Storage and Distribution (Class 5 & 6) - 148,644.9 square metres
Area D - Hotel (Class 7) - 2230 square metres
Retail/Restaurant floorspace (class 1 & 3) - 1393.5 square metres
Business units (class 4) - 9290.3 square metres

- 21 That the further application(s) required under condition 2 above shall include a single point of access into Area D by means of a roundabout on the B7078 at the southern access to Cairn Lodge Services and this shall be formed generally in accordance with the plan attached to the Independent Stage 1 Road Safety Audit produced by Stewart Paton Associates Ltd on behalf of the applicant. The roundabout shall be designed in accordance with the Design Manual for Roads and Bridges and shall take cognisance of the recommendations contained within the Independent Stage 1 Road Safety Audit. The roundabout shall be constructed and operational prior to the commencement of construction works on Area D, all to the satisfaction of the Council as Planning Authority.
- 22 That prior to the operation of any part of the development the infrastructure improvements (in so far as those related to that part of the development) shall be constructed and open to traffic and pedestrians to the satisfaction of the Council as Planning Authority in consultation with Transport Scotland as Trunk Roads Authority.
- 23 That the further application(s) required under the terms of Condition 2 above, shall include a detailed scheme for surface water drainage. Surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland and with the Council's Sustainable Drainage Design Criteria and requirements and shall be agreed in writing with the Council as Planning Authority in consultation with SEPA.
- 24 That the further application(s) required under condition 2 above shall include a barrier/screening along the boundary of the site with the M74 trunk road. The barrier shall be of a type approved by the Planning Authority in consultation with Transport Scotland, and thereafter shall be installed prior to any construction works commencing on Area D and shall be maintained in perpetuity all to the satisfaction of the Council as Planning Authority.
- 25 That for the avoidance of doubt there shall be no drainage connections to the trunk road drainage system.
- 26 That the further application(s) required under condition 2 above shall include a scheme to control and minimise the emission of pollutants from and attributable to the development. The scheme shall set out measures which will be implemented to ensure that the emission of pollutants shall meet the requirements of the Air Quality (Scotland) Regulations 2000 and Air Quality (Amendment) Regulations 2002. The approved scheme shall thereafter be implemented prior to the development being brought into use and shall thereafter be implemented in accordance with the approved scheme to the satisfaction of the Council as Planning Authority.
- 27 That prior to the submission of the further application(s), required under the terms of condition 2 above, for Area A, details of investigations into bat use of Poniel farmhouse, the farm cottage and associated farm buildings shall be submitted to and approved in writing by the Council as Planning Authority. The methods to investigate bat use of the buildings shall be agreed in writing with

SNH prior to survey work commencing. Survey work shall be carried out fully in accordance with the agreed methods. Where bat use of the buildings is identified, detailed proposals for how negative impacts on bats will be avoided or mitigated sufficiently to satisfy the Habitats Regulations shall be submitted as part of the planning application and shall thereafter be implemented to the satisfaction of the Council as Planning Authority.

- 28 That prior to the submission of the further application(s), required under the terms of condition 2 above, for Area D, details of investigations into bat use of this Area shall be submitted to and approved in writing by the Council as Planning Authority. The methods to investigate bat use shall be agreed in writing with SNH prior to survey work commencing. Survey work shall be carried out fully in accordance with the agreed methods. Where bat use is identified, detailed proposals for how negative impacts on bats will be avoided or mitigated sufficiently to satisfy the Habitats Regulations shall be submitted as part of the planning application and shall thereafter be implemented to the satisfaction of the Council as Planning Authority.
- 29 That for the avoidance of doubt and notwithstanding condition 7 above, any trees that the Council has given felling approval for which have been identified as having cavities suitable for the use of bats shall be felled using 'soft felling' techniques all to the satisfaction of the Council as Planning Authority.
- 30 That no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

REASONS

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 3 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 4 Permission is granted in principle only and no approval is given for these details.
- 5 In order to retain effective planning control
- 6 In the interests of amenity and in order to retain effective planning control.
- 7 To ensure the protection and maintenance of the existing trees and other landscape features within the site.
- 8 In order to retain effective planning control
- 9 In the interests of amenity
- 10 In order to promote the adoption of appropriate site management and minimise the potential environmental impacts of construction works.
- 11 In the interests of amenity and in order to retain effective planning control.

- 12 In the interests of amenity and in order to retain effective planning control.
- 13 In order to retain effective planning control
- 14 In the interest of public safety
- 15 To encourage walking and cycling between the development areas.
- 16 To encourage use of sustainable travel alternatives.
- 17 To identify improvements to public transport infrastructure and service provision.
- 18 To ensure the provision of improvements to existing public transport infrastructure
- 19 To ensure the provision of appropriate parking facilities to serve the development.
- 20 In the interest of road safety and to retain effective planning control
- 21 In the interest of road safety
- 22 In the interest of road safety
- 23 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.
- 24 In the interest of road safety
- 25 In the interest of road safety
- 26 To minimise the risk of nuisance from pollutants to nearby occupants.
- 27 To ensure the protection of European Protected Species.
- 28 To ensure the protection of European Protected Species.
- 29 To ensure the protection of European Protected Species.
- 30 In order to safeguard any archaeological items of interest or finds.

LEGEND

	DEVELOPMENT
	EXISTING DEVELOPMENT
	UNDEVELOPED LAND
	EXISTING BUILDINGS
	EXISTING ROADS
	EXISTING WATERCOURSES
	EXISTING UTILITIES
	EXISTING FENCING
	EXISTING TRENCHES
	EXISTING WALLS
	EXISTING BOUNDARIES
	EXISTING SETBACKS
	EXISTING FLOOD RISK
	EXISTING CONTAMINATION
	EXISTING ARCHITECTURAL HERITAGE
	EXISTING PROTECTED AREAS
	EXISTING LANDSCAPE FEATURES
	EXISTING BIODIVERSITY
	EXISTING WILDLIFE HABITAT
	EXISTING CULTURAL HERITAGE
	EXISTING HISTORIC MONUMENTS
	EXISTING MONUMENTS
	EXISTING GRAVEYARDS
	EXISTING BOUNDARIES

ACCESS

	EXISTING
	EXISTING WITH
	NEW

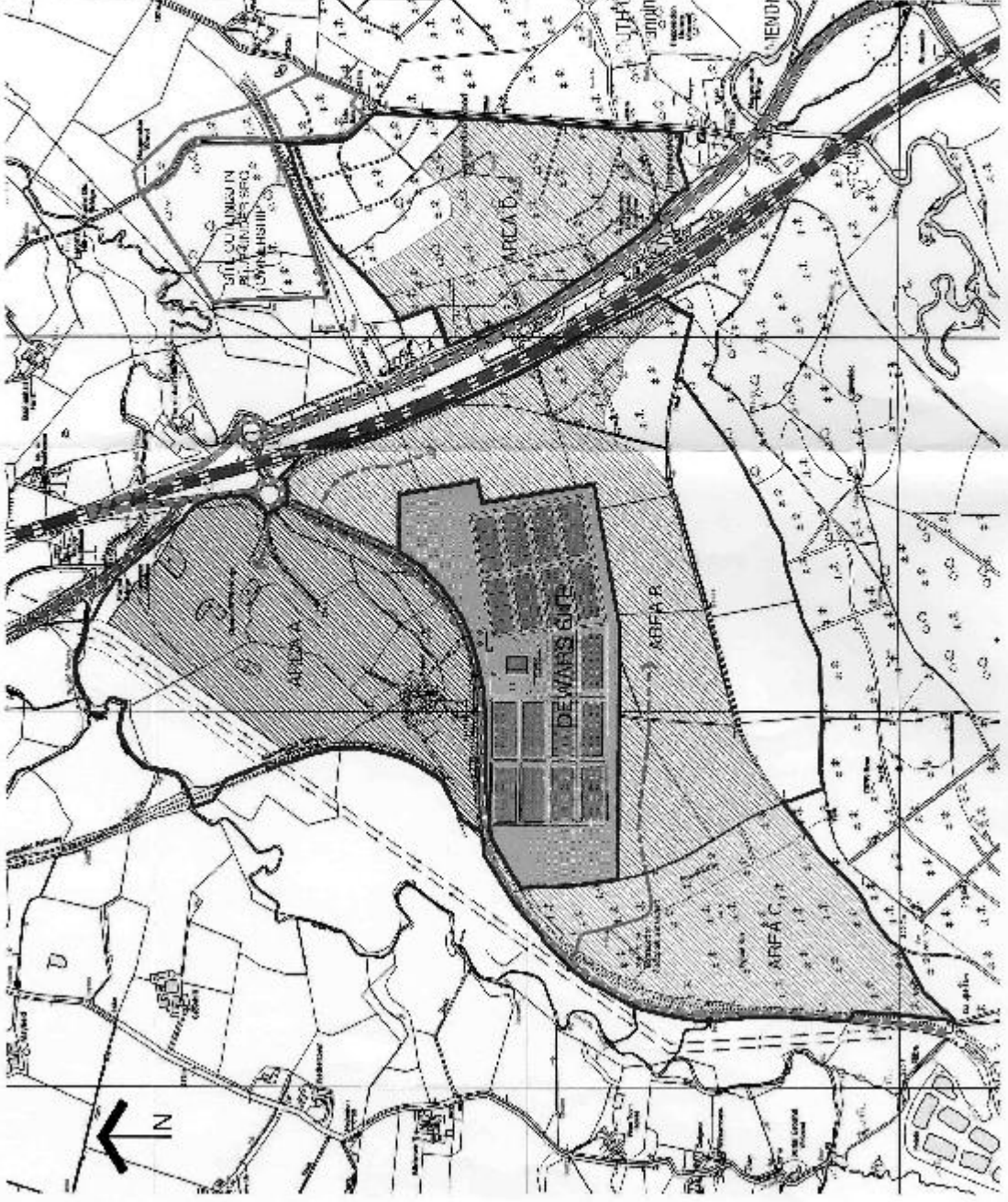


SOUTH WARWICKSHIRE COUNCIL
Planning & Building Standards

01 FEB 2011
- 1 FEB 2011

PLANNING	
1.1.1	PERMITTED DEVELOPMENT
1.1.2	PLANNING PERMISSION
1.1.3	PLANNING PERMISSION WITH CONDITIONS
1.1.4	PLANNING PERMISSION WITH COMMITMENTS
1.1.5	PLANNING PERMISSION WITH COMMITMENTS AND CONDITIONS
1.1.6	PLANNING PERMISSION WITH COMMITMENTS AND CONDITIONS AND COMMITMENTS
1.1.7	PLANNING PERMISSION WITH COMMITMENTS AND CONDITIONS AND COMMITMENTS AND CONDITIONS
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