



Council Offices, Almada Street
Hamilton, ML3 0AA

Monday, 22 April 2024

Dear Councillor

Planning Committee

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

Date: Tuesday, 30 April 2024
Time: 10:00
Venue: Hybrid - Committee Room 1, Council Offices, Almada Street, Hamilton, ML3 0AA

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

Yours sincerely

Paul Manning
Chief Executive

Members

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

Substitutes

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

BUSINESS

1 Declaration of Interests

2 Minutes of Previous Meeting

5 - 12

Minutes of the meeting of the Planning Committee held on 12 March 2024 submitted for approval as a correct record. (Copy attached)

Item(s) for Decision

3 Application P/21/1590 for Erection of 14 Dwellings with Associated Landscaping and Roads (Amendment to Planning Consent EK/17/0021) at Land at Newlands Dairy, East Kilbride

13 - 22

Report dated 22 April 2024 by the Executive Director (Community and Enterprise Resources). (Copy attached)

4 Application P/21/2019 for Formation of Vehicular Access Road, Erection of 18 Houses, Associated Landscaping and Infrastructure for Area A - Phase 1 (Approval of Matters Specified in Conditions 1, 4, 5, 7, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 21, 24 and 25 of Planning Consent CL/16/0336) at Birkwood Estate, Lesmahagow, Lanark

23 - 38

Report dated 22 April 2024 by the Executive Director (Community and Enterprise Resources). (Copy attached)

5 Application P/22/0477 for Erection of Single Storey House with Attic Accommodation (4 Bedroom (Including 3 Guest Bedrooms)) and Stabling for a Maximum of 3 Horses Associated with the Establishment of a Bed and Breakfast Facility at Land at Westsidewood Road, Carnwath

39 - 52

Report dated 22 April 2024 by the Executive Director (Community and Enterprise Resources). (Copy attached)

6 Application P/23/1383 for Erection of Neighbourhood Centre Development Incorporating Multi-Use Community Facility, Nursery, Retail/Business/Commercial Units, Medical Facility, Indoor/Outdoor Fitness Facility, Community Gardens, Local Hybrid Energy Facility and Solar EV Charging with Associated Access and Landscaping (Planning Permission in Principle) at Land Between Bystone Cottage and White Gables, Peel Road, Thorntonhall

53 - 66

Report dated 22 April 2024 by the Executive Director (Community and Enterprise Resources). (Copy attached)

7 Application P/24/0010 for Erection of 5 Detached Houses, Formation of Vehicular Access, Parking and Associated Works at Land 75 Metres West of The Manse, Manse Road, Stonehouse

67 - 78

Report dated 22 April 2024 by the Executive Director (Community and Enterprise Resources). (Copy attached)

8 Application P/24/0019 for Substitution of House Types (Amendment to Planning Consent P/22/1377) for the Erection of 182 Houses with Associated Roads, Drainage, Landscaping and Open Space at Land 360 Metres North Northeast of Hallside Manse, Manse Brae, Cambuslang

79 - 90

Report dated 22 April 2024 by the Executive Director (Community and Enterprise Resources). (Copy attached)

- 9 Application P/24/0076 for Erection of 126 Houses, Associated Infrastructure and Landscaping (Approval of Matters Specified in Conditions 1(a-r), 3, 4, 6, 8, 9, 10 and 12 of Planning Permission in Principle EK/09/0218) at East Kilbride Community Growth Area - Cala Phase 3, Newhouse Road, East Kilbride** 91 - 102
Report dated 22 April 2024 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 10 Proposed Stopping Up of Public Road Under Section 207 of the Town and Country Planning (Scotland) Act 1997 - 4 Redwood Crescent, East Kilbride** 103 - 106
Report dated 22 April 2024 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 11 Planning Appeal Decisions - November 2023 to March 2024** 107 - 110
Report dated 22 April 2024 by the Executive Director (Community and Enterprise Resources). (Copy attached)

Urgent Business

- 12 Urgent Business**
Any other items of business which the Chair decides are urgent.

For further information, please contact:-

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

PLANNING COMMITTEE

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Minutes of meeting held via Confero and in Committee Room 1, Council Offices, Almada Street, Hamilton on 12 March 2024

Chair:

Councillor Richard Nelson

Councillors Present:

Councillor Alex Allison, Councillor Ralph Barker, Councillor Walter Brogan (*substitute for Councillor Celine Handibode*), Councillor Archie Buchanan, Councillor Ross Clark, Councillor Gerry Convery (Depute), Councillor Margaret Cowie, Councillor Maureen Devlin, Councillor Colin Dewar, Councillor Mary Donnelly, Councillor Elise Frame, Councillor Alistair Fulton, Councillor Graeme Horne, Councillor Ross Lambie, Councillor Lesley McDonald, Councillor Davie McLachlan, Councillor Norman Rae, Councillor John Ross, Councillor Graham Scott, Councillor David Shearer, Councillor David Watson

Councillors' Apologies:

Councillor Joe Fagan (*ex-officio*), Councillor Celine Handibode, Councillor Martin Lennon, Councillor Monique McAdams, Councillor Helen Toner

Attending:

Community and Enterprise Resources

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

Finance and Corporate Resources

S Jessup, Administration Assistant; S McLeod, Administration Officer

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 13 February 2024 were submitted for approval as a correct record.

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

3 Applications EK/18/0023 and EK/18/0024 for Erection of 35 Houses with Associated Infrastructure and Landscaping and Erection of 14 Houses with Associated Landscaping and Infrastructure at Land 110 Metres Northwest of Littlepark Cottage, Jackton Road, East Kilbride

A report dated 1 March 2024 by the Executive Director (Community and Enterprise Resources) was submitted on planning applications EK/18/0023 and EK/18/0024 by CSK Land Limited for the erection of 35 houses with associated infrastructure and landscaping and erection of 14 houses with associated landscaping and infrastructure, respectively, at land 110 metres northwest of Littlepark Cottage, Jackton Road, East Kilbride.

The Committee decided: that planning applications EK/18/0023 and EK/18/0024 by CSK Land Limited for the erection of 35 houses with associated infrastructure and landscaping and erection of 14 houses with associated landscaping and infrastructure, respectively, at land 110 metres northwest of Littlepark Cottage, Jackton Road, East Kilbride be refused for the reasons detailed in the Executive Director's report.

4 Application P/21/1072 for Residential Development (Erection of 23 Houses, Formation of Access Road and Associated Works) (Planning Permission in Principle) at Loaningdale School, B7016 from Carnwath to Biggar, Biggar

The Chair advised that this application had been withdrawn at the request of the applicant.

The Committee decided: to note the position.

5 Application P/22/1466 for Residential Development with Associated Parking, Landscaping, Open Space and Drainage (Planning Permission in Principle) at Land Adjacent to Stewart Avenue, Hamilton

A report dated 1 March 2024 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/1466 by T Barr for a residential development with associated parking, landscaping, open space and drainage (planning permission in principle) at land adjacent to Stewart Avenue, Hamilton.

At its meeting on 7 July 2015, the Committee had approved a procedure for processing planning applications which required completion of a Legal Agreement. If approved, the application would be subject to a Legal Agreement and/or other appropriate mechanism and the approved procedure would apply.

The Committee decided:

(1) that planning application P/22/1466 by T Barr for a residential development with associated parking, landscaping, open space and drainage (planning permission in principle) at land adjacent to Stewart Avenue, Hamilton be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ prior conclusion of a Section 75 Agreement and/or other appropriate agreement between the Council and the applicant to ensure financial contributions towards:-
 - ◆ educational facilities
 - ◆ roads infrastructure
 - ◆ community facilities
- ◆ the applicant meeting the Council's costs associated with the legal agreement

(2) that it be noted that, in accordance with the agreed procedure, should there be no significant progress by the applicant towards the conclusion of the Legal Agreement within 6 months of the date of the meeting at which the application was considered, the proposed development could be refused on the basis that, without the planning control or developer contribution which could be secured by the Legal Agreement, the proposed development would be unacceptable; and

- (3) that it be noted that, if the Legal Agreement had not been concluded within the 6 month period but was progressing satisfactorily, the applicant would be offered the opportunity to enter into a Processing Agreement, if this was not already in place, which would set an alternative agreed timescale for the conclusion of the Legal Agreement.

[Reference: Minutes of 7 July 2015 (Paragraph 15)]

6 Application P/23/0485 for Extraction of Sand and Gravel with Restoration to Form Balancing Pond, Wetland, Agriculture and Grassland (Section 42 Application to Amend Conditions 22 and 23 of Planning Consent CL/17/0092 to Permit Quarry Operations to Start at 07:00 Monday to Saturday) at Ryeflatt Quarry, Carnwath

A report dated 1 March 2024 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/23/0485 by Tillicoultry Quarries Limited for the extraction of sand and gravel with restoration to form a balancing pond, wetland, agriculture and grassland (Section 42 of the Town and Country Planning (Scotland) Act application to amend conditions 22 and 23 of planning consent CL/17/0092 to permit quarry operations to start at 07:00 Monday to Saturday) at Ryeflatt Quarry, Carnwath.

At its meeting on 15 August 2017, the Committee approved planning application CL/17/0092 by Tillicoultry Quarries Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act to amend Condition 2 of planning consent CL/05/0806 for the extraction of sand and gravel with restoration to form balancing pond, wetland, agriculture and grassland at Ryeflatt Quarry, Carstairs.

Condition 22 attached to planning consent CL/17/0092 required that the site operated between the hours of 08.00 and 19.00 on weekdays and between 08.00 and 13.00 on Saturdays. The applicant had now requested that Condition 22 be amended to permit commencement of operations from 07.00 on weekdays and Saturdays.

Condition 23 related to the control of noise resulting from the operations at the site and reflected the operating hours detailed in Condition 22. The applicant had now requested that Condition 23 be amended to reflect the extended operating hours.

At its meeting on 7 July 2015, the Committee had approved a procedure for processing planning applications which required completion of a Legal Agreement. If approved, the application would be subject to a Legal Agreement and/or other appropriate mechanism and the approved procedure would apply.

The Committee decided:

- (1) that planning application P/23/0485 by Tillicoultry Quarries Limited for the extraction of sand and gravel with restoration to form a balancing pond, wetland, agriculture and grassland (Section 42 of the Town and Country Planning (Scotland) Act application to amend conditions 22 and 23 of planning consent CL/17/0092 to permit quarry operations to start at 07:00 Monday to Saturday) at Ryeflatt Quarry, Carnwath be granted subject to:-
- ◆ the conditions specified in the Executive Director's report
 - ◆ prior conclusion of a Section 75 Agreement and/or other appropriate agreement between the Council and the applicant to ensure:-
 - ◆ a restoration guarantee bond to secure restoration of the site should the applicant not fulfil or be able to fulfil this task
 - ◆ financial contributions towards the South Lanarkshire Rural Communities Trust Fund
 - ◆ hydrological monitoring and water flow equipment maintenance

- ◆ the applicant meeting the Council's costs associated with the legal agreement and the restoration guarantee quantum
- (2) that it be noted that, in accordance with the agreed procedure, should there be no significant progress by the applicant towards the conclusion of the Legal Agreement within 6 months of the date of the meeting at which the application was considered, the proposed development could be refused on the basis that, without the planning control or developer contribution which could be secured by the Legal Agreement, the proposed development would be unacceptable; and
- (3) that it be noted that, if the Legal Agreement had not been concluded within the 6 month period but was progressing satisfactorily, the applicant would be offered the opportunity to enter into a Processing Agreement, if this was not already in place, which would set an alternative agreed timescale for the conclusion of the Legal Agreement.

[Reference: Minutes of 7 July 2015 (Paragraph 15) and 15 August 2017 (Paragraph 11)]

7 Application P/23/0851 for Erection of a Restaurant and Drive-Through Hot Food Takeaway, Associated Car Parking, Access, External Seating Area, Play Structure, Landscaping and Associated Structures/Works at 1 Lindsayfield Road, East Kilbride

A report dated 1 March 2024 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/23/0851 by McDonald's Restaurant Limited for the erection of a restaurant and drive-through hot food takeaway, associated car parking, access, external seating area, play structure, landscaping and associated structures/works at 1 Lindsayfield Road, East Kilbride.

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

The Committee decided:

that planning application P/23/0851 by McDonald's Restaurant Limited for the erection of a restaurant and drive-through hot food takeaway, associated car parking, access, external seating area, play structure, landscaping and associated structures/works at 1 Lindsayfield Road, East Kilbride be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ an amended Condition 2 as follows:-
that all deliveries shall be restricted to between the hours of 07:00 and 22:00
Reason:
In the interests of amenity
- ◆ an amended Condition 3 as follows:-
that the proposed opening hours shall be restricted to between the hours of 06:00 and 23:00
Reason:
In the interests of amenity

8 Application P/23/0992 for Erection of Portal Frame Structure to Use as Car Workshop with Small Office (Planning Permission in Principle) at Caldwellside Industrial Estate, Lanark

A report dated 1 March 2024 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/23/0992 by W and J Boyd's Properties Limited for the erection of a portal frame structure to use as a car workshop with small office (planning permission in principle) at Caldwellside Industrial Estate, Lanark.

The Committee decided: that planning application P/23/0992 by W and J Boyd's Properties Limited for the erection of a portal frame structure to use as a car workshop with small office (planning permission in principle) at Caldwellside Industrial Estate, Lanark be granted subject to the conditions specified in the Executive Director's report.

9 Application P/23/1214 for Installation of 50 Megawatt Battery Energy Storage Facility with Associated Infrastructure at Land Southeast of Seath Road, Rutherglen

A report dated 1 March 2024 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/23/1214 by GPC 016 Limited for the installation of a 50 megawatt battery energy storage facility with associated infrastructure at land southeast of Seath Road, Rutherglen.

The Head of Planning and Regulatory Services referred to a further representation received from the applicant's agent in respect of the proposal and advised that it raised no new issues.

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

The Committee decided: that planning application P/23/1214 by GPC 016 Limited for the installation of a 50 megawatt battery energy storage facility with associated infrastructure at land southeast of Seath Road, Rutherglen be refused for the reasons detailed in the Executive Director's report.

10 Application P/23/1409 for Change of Use of Office Space to Form 6 Flatted Dwellings at 29 St James Avenue, East Kilbride

A report dated 1 March 2024 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/23/1409 by CVO Limited for the change of use of office space to form 6 flatted dwellings at 29 St James Avenue, East Kilbride.

The Committee decided: that planning application P/23/1409 by CVO Limited for the change of use of office space to form 6 flatted dwellings at 29 St James Avenue, East Kilbride be refused for the reasons detailed in the Executive Director's report.

11 Application P/23/1532 for Erection of 10 Wind Turbines (149.9 Metres to Tip Height) and Associated Infrastructure Including Access Tracks, Cabling and Transformer Equipment (Section 42 Application to Re-site Turbine 8 (T8), Installation of a Meter Housing Adjacent to Turbine 2 and to Extend the Operational Lifetime of the Wind Farm Previously Approved Under Consent P/19/1636 for a Further 5 Years, to 30 Years from the Date of Final Commissioning) at Broken Cross Wind Farm, Tower Road, Douglas

A report dated 1 March 2024 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/23/1532 by Broken Cross Wind Farm Limited for the erection of 10 wind turbines (149.9 metres to tip height) and associated infrastructure including access tracks, cabling and transformer equipment (Section 42 of the Town and Country Planning (Scotland) Act application to re-site turbine 8 (T8), installation of a meter housing adjacent to turbine 2 and to extend the operational lifetime of the wind farm previously approved under planning consent P/19/1636 for a further 5 years, to 30 years from the date of final commissioning) at Broken Cross Wind Farm, Tower Road, Douglas.

At its meeting on 25 August 2020, the Committee approved planning application P/19/1636 by Broken Cross Wind Farm Limited for the erection of 10 wind turbines (149.9 metres to tip height) and associated infrastructure including access tracks, cabling and transformer equipment at Broken Cross Open Cast Mine, Tower Road, Douglas.

Condition 3 attached to planning consent P/19/1636 required that the development be decommissioned no later than 25 years from the date of final commissioning. The applicant had now requested that Condition 3 be amended to extend the operational lifetime of the wind farm to 30 years.

Condition 15 attached to planning consent P/19/1636 required that each turbine be located in the position indicated. The applicant had now requested that condition 15 be amended to allow the relocation of turbine 8 and the installation of a meter housing adjacent to turbine 2.

Following consultation with National Air Traffic Safety (NATS), conditions 17 and 18 had also been required to be amended, as detailed in the report.

At its meeting on 7 July 2015, the Committee had approved a procedure for processing planning applications which required completion of a Legal Agreement. If approved, the application would be subject to a Legal Agreement and/or other appropriate mechanism and the approved procedure would apply.

The Committee decided:

- (1) that planning application P/23/1532 by Broken Cross Wind Farm Limited for the erection of 10 wind turbines (149.9 metres to tip height) and associated infrastructure including access tracks, cabling and transformer equipment (Section 42 of the Town and Country Planning (Scotland) Act application to re-site turbine 8 (T8), installation of a meter housing adjacent to turbine 2 and to extend the operational lifetime of the wind farm previously approved under planning consent P/19/1636 for a further 5 years, to 30 years from the date of final commissioning) at Broken Cross Wind Farm, Tower Road, Douglas be granted subject to:-
 - ◆ the conditions specified in the Executive Director's report
 - ◆ prior conclusion of a Section 75 Agreement and/or other appropriate agreement between the Council and the applicant to ensure:-

- ◆ community contributions per megawatt generated
 - ◆ the setting up of a Habitat Management Group
 - ◆ the repair of any damage to roads and bridges arising from extraordinary wear and tear associated with the development and associated indemnity insurance requirements
 - ◆ the applicant meeting the Council's costs associated with the legal agreement and the restoration guarantee quantum
- (2) that it be noted that, in accordance with the agreed procedure, should there be no significant progress by the applicant towards the conclusion of the Legal Agreement within 6 months of the date of the meeting at which the application was considered, the proposed development could be refused on the basis that, without the planning control or developer contribution which could be secured by the Legal Agreement, the proposed development would be unacceptable; and
- (3) that it be noted that, if the Legal Agreement had not been concluded within the 6 month period but was progressing satisfactorily, the applicant would be offered the opportunity to enter into a Processing Agreement, if this was not already in place, which would set an alternative agreed timescale for the conclusion of the Legal Agreement.

[Reference: Minutes of 7 July 2015 (Paragraph 15) and 25 August 2020 (Paragraph 12)]

12 Application P/23/1543 for Demolition and Rebuild of 2-Storey House at 9 Sunningdale Wynd, Bothwell

A report dated 1 March 2024 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/23/1543 by A Waseem for the demolition and rebuild of a 2-storey house at 9 Sunningdale Wynd, Bothwell.

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

The Committee decided: that planning application P/23/1543 by A Waseem for the demolition and rebuild of a 2-storey house at 9 Sunningdale Wynd, Bothwell be deferred to a future meeting of the Planning Committee to allow further information to be provided regarding construction arrangements, in terms of public safety on Sunningdale Wynd.

13 Application P/23/1586 for Change of Use of Former Betting Shop (Sui Generis) to Hot Food Takeaway (Sui Generis) with Associated Flue at 100 Union Street, Larkhall

A report dated 1 March 2024 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/23/1586 by J Ali for the change of use of a former betting shop (sui generis) to hot food takeaway (sui generis) with associated flue at 100 Union Street, Larkhall.

The Committee decided: that planning application P/23/1586 by J Ali for the change of use of a former betting shop (sui generis) to hot food takeaway (sui generis) with associated flue at 100 Union Street, Larkhall be granted subject to the conditions specified in the Executive Director's report.

14 Urgent Business

There were no items of urgent business.

Report

3

Report to:	Planning Committee
Date of Meeting:	30 April 2024
Report by:	Executive Director (Community and Enterprise Resources)

Reference no:	P/21/1590
Proposal:	Erection of 14no. dwellings with associated landscaping and roads (amendment to EK/17/0021)
Site Address:	Land at Newlands Dairy East Kilbride
Applicant:	KR Clyde Valley Six Ltd
Agent:	Kingston Residential Investments Ltd
Ward:	06 East Kilbride South
Application Type:	Full Planning Permission
Advert Type:	Schedule 2: East Kilbride News 20 October 2021
Development Plan Compliance:	No
Departures:	N/A
Recommendation:	Refuse
Legal Agreement:	N/A
Direction to Scottish Ministers	N/A

1. Reason for Report

- 1.1. The application needs to be determined by the Planning Committee as it relates to an application for 14 houses and is therefore affected by Clause 16(b) of the Scheme of Delegation Approved by South Lanarkshire Council in May 2022.

2. Site Description

- 2.1. The application site relates to former agricultural land located to the south of East Kilbride extending to approximately 0.9 hectares and was previously part of the former Newlands Dairy. It is designated as housing land within the adopted South Lanarkshire Local Development Plan 2.
- 2.2. The land is generally flat and contains a number of trees around the perimeter of the site. There is an embankment containing trees to the north, sloping down towards an existing residential development. There are also residential developments to the south and east of the site, and agricultural land to the west. The site sits at an elevated position in comparison to the properties to the north and east and has an informal access via a strip of land between 16 and 18 Kingston Crescent.

3. Description of Proposed Development

- 3.1. Full planning permission is sought for the erection of 14 dwellings with associated landscaping and roads. At the time of submission, this was an amendment to application EK/17/0021 which was for 10 dwellings. The previous consent has now expired and there is no current consent for the site.
- 3.2. The dwellings proposed under this application would comprise of two storey detached properties across four different house types. The dwellings would each be finished in a mix of modern materials with some plots including single garages. Access to the site would require the formalisation of the land between 16 and 18 Kingston Crescent to form a road linking it into Kingston Crescent. The proposal includes an access road, parking, landscaping and underground pumping stations as the proposed method of drainage. A small number of trees would require to be removed as part of this proposal.

4. Relevant Planning History

- 4.1. A planning application for the erection of 13 dwellings at the site was submitted under application number EK/14/0121, though subsequently withdrawn. An application for 10 dwellings was approved at the site in 2017 under EK/17/0021. This consent has never been implemented.

5. Supporting Information

The following information was submitted by the applicant in support of the application:-

- 5.1. Supporting statement - outlines the site context, layout, design, access and drainage of the proposed development.
- 5.2. Drainage strategy report - outlines the proposed drainage management for the proposed development.
- 5.3. Flood risk assessment - reports on the surface water risk to the site access and considers the risk of flooding from other sources.
- 5.4. Noise impact assessment – reports on the noise impact of the proposed underground pumping stations.

6. Consultations

- 6.1. Environmental Services (ES) - recommended the provision of a noise assessment to establish the expected noise levels of the proposed pumping stations, and any impacts on adjacent properties. A report was subsequently provided by an acoustic consultancy on behalf of the applicant. Following review, ES have confirmed there is insufficient information within the report in terms of performance data for the sound pressure or sound power levels for the pumps. It contains no details of mitigation should maximum levels be exceeded. Given this, ES would not support the proposed pumping stations.
Response: Noted.
- 6.2. Roads and Transportation Services (Development Management) – requested additional information in relation to visibility splays, dropped kerbs, drainage apparatus, gradients, traffic calming, turning space and parking.
Response: This information was requested from the applicant, however, has not been provided.
- 6.3. Roads and Transportation Services (Flood Risk Management) - consider the proposed pumping stations to be unacceptable and therefore recommend deferral of the application until a suitable method of drainage is provided.
Response: This information was requested from the applicant, however, has never been provided.
- 6.4. Scottish Water - No initial objections to the proposal, however, require the applicant to submit further details for review.
Response: Noted.
- 6.5. SP Energy Networks – no objections.
Response: Noted.

7. Representations

- 7.1. Following the statutory period of neighbour notification and advertisement, a total of 27 representations have been received (19 objections, 1 support, 7 comments). The issues raised are summarised as follows:-
- ◆ Overlooking/loss of privacy
 - ◆ Loss of light/overshadowing
 - ◆ Loss of view
 - ◆ Damage to private property
 - ◆ Drainage/flooding
 - ◆ Nature conservation
 - ◆ Noise and disturbance during construction
 - ◆ Overdevelopment of site
 - ◆ Road layout/unsuitable access
 - ◆ Road safety/congestion
 - ◆ Insufficient parking
 - ◆ Increased traffic/construction traffic
 - ◆ Odours/dust/pollution
 - ◆ Noise from the proposed pumping stations
 - ◆ Maintenance of proposed pumping stations

The above issues will be considered in the assessment below and full copies are available to view on the planning portal.

8. Development Plan

8.1. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2. National Planning Framework 4

National Planning Framework 4 (NPF4) is Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments, and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places, and productive places.

National Planning Framework 4 Policies

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

8.3. South Lanarkshire Local Development Plan 2 (2021)

For the purposes of determining planning applications the Council will also assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan (SLLDP2). In this regard the application site and associated proposals are affected by the following policies:-

SLLDP2 Volume 1 Policies

- ◆ Policy 1 – Spatial Strategy
- ◆ Policy 2 - Climate Change
- ◆ Policy 3 - General Urban Areas and Settlements
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 11 - Housing
- ◆ Policy 15 - Travel and Transport
- ◆ Policy 16 - Water Environment and Flooding

SLLDP2 Volume 2 Policies

- ◆ Policy DM1 - New Development Design
- ◆ Policy DM20 – Supporting Information
- ◆ Policy SDCC2 - Flood Risk
- ◆ Policy SDCC3 - Sustainable Drainage Systems

South Lanarkshire Council (SLC) Supporting Planning Guidance

- ◆ Residential Design Guide (2011)

9. Guidance

9.1. None applicable.

10. Assessment and Discussion

10.1. Introduction

Full planning permission is sought for the erection of 14 dwellings with associated landscaping and roads (amendment to EK/17/0021) on land at Newlands Dairy, East Kilbride. The main issues to be addressed in the determination of this application include the acceptability in principle of the proposed development, its layout, siting and

design, and the assessment of technical matters. The policies contained within National Planning Framework 4 and the South Lanarkshire Local Development Plan 2 are the main consideration in this case, together with an assessment of any other material planning considerations.

10.2. Principle of Development

The site is located on agricultural land within the settlement boundary and on land allocated as a housing site within the adopted South Lanarkshire Local Development Plan 2. As such, the principle of residential development at the site may still be acceptable, provided the details of any submission complies with all other relevant policies of the development plan.

10.3. Residential developments are generally supported by Policies 1 – Spatial Strategy, 3 – General Urban Areas and Settlements, and 5 – Development Management and Placemaking of SLLDP2 as they direct development to allocated sites within the settlement boundary. Policy 16 of NPF4 – Quality Homes, also aims to encourage promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations. SLLDP2 Policy 11 – Housing supports housing developments on identified sites, subject to the proposals according with the other relevant polices in the development plan.

10.4. Climate Change

Policy 1 – Tackling the climate and nature crises and Policy 2 – Climate mitigation of NPF4, along with Policy 2 of SLLDP2, seek to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis, and which minimises emissions and adapts to the current and future impacts of climate change. In this case, development is located within the settlement boundary and close to public transport links for access to local amenities. The proposal is generally consistent with these policies.

10.5. Biodiversity

NPF4 Policy 3 – Biodiversity, aims to protect and reverse biodiversity loss, deliver positive effects from development, and strengthen nature networks. Objections received in respect of the proposal have referred to existing wildlife on the site and the impact of the proposal on them. A biodiversity statement taking into account the ecology of the site has not been provided as part of the application submission. Subsequently, the proposal cannot be considered as being compliant with Policy 3 of NPF4.

10.6. Layout, Siting and Design

NPF4 Policy 14 - Design, Quality and Place aims to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle. Policy 5 – Development Management and Placemaking of SLLDP2 advises that to ensure development takes account of the principles of sustainable development, all proposals require to be well designed and integrated with the local area. Proposals should have no significant adverse impacts on the local community and the environment. Where appropriate, proposals should include measures to enhance the environment. Policy DM1 – New Development Design of SLLDP2 also requires development to promote quality and sustainability in design and layout. Policy DM20 - Supporting Information also from SLLDP2, requires that all applications must be accompanied by sufficient information and supporting documents to enable the Council to fully consider the potential impact of development.

- 10.7. The development is proposed within an area designated for residential development under SLLDP2. This proposal would see the reconfiguration of the site to create an additional 4 plots. Objections received in respect of the proposal have raised concerns in relation to overlooking, loss of privacy, overshadowing, overdevelopment, loss of view and damage to property.
- 10.8. Having considered the proposal in terms of the above policies and the Council's Residential Design Guide, the development is considered to provide a range of housetypes with an acceptable layout, plot sizes, garden depths, window to window distances and finishes. Due to the positioning of windows, distances from existing properties, and proposed garden depths, it is not considered there would be a significant impact on adjacent properties. As the development provides sizeable plots, it is not considered to be overdevelopment. Loss of view and potential damage to property are not valid planning considerations.
- 10.9. Following consultation with the Council's Flood Risk Management service, a number of issues have been raised in relation to the proposed drainage for the site which the applicant has failed to provide further supporting information in respect of. These issues are discussed in more detail below. The lack of information means that the proposal must also be considered contrary to Policy 14 of NPF4, and Policies 5, DM1 and DM20 of SLLDP2.
- 10.10. Technical Matters
NPF4 Policy 22 - Flood Risk and Management aims to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. Policy 16 - Water Environment and Flooding, Policy SDCC2 - Flood Risk and Policy SDCC3 - Sustainable Drainage Systems of SLLDP2 aim to protect and enhance the water environment and reduce flood risk. Developments which have an unacceptable impact on the water environment, result in any increase in the level of flood risk either on the site or elsewhere would be unacceptable.
- 10.11. The application initially proposed a mechanical drainage system including a pumping station to the north-west corner of the site. Following discussion with the Planning Service, the applicant was advised apparatus of this nature would not be adopted by the Council and would require approval from Scottish Water which would need to be demonstrated. The applicant subsequently amended the proposal to remove the mechanical drainage system to the north-west of the site, and instead installed two underground pumping stations (surface water and foul water), to the eastern side of the site adjacent to proposed Plot 4. This was also adjacent to existing residential properties 18 and 20 Kingston Crescent and therefore required re-notification of neighbours. A number of objections have raised concerns in relation to drainage and flooding at the site as well as maintenance of the proposed pumping stations.
- 10.12. The Roads Flood Risk Management Service have confirmed that the proposed surface water pumping station is unacceptable and unsustainable. Details of the long-term maintenance of this has not been provided, and again is not apparatus that the Council would adopt. The location of gullies was also not appropriate, and a suitable method of drainage has not been provided. The proposal is therefore contrary to Policy 22 of NPF4, and Policies 16, SDCC2 and SDCC3 of SLLDP2.

10.13. In terms of road safety and impact on the road network, SLLDP2 Policy 15 – Travel and Transport is applicable and requires all new development proposals to consider the impact of traffic growth. A number of traffic concerns have been raised by objectors to the application in relation to road safety, new access, construction traffic, increased traffic following completion, and insufficient parking for visitors. Whilst Roads Development Management have not raised any concerns in relation to these matters, they have requested the provision of additional information in relation to parking space sizes, provision of EV parking, visibility splays, drainage details, traffic calming, gradients and turning space. As this information has not been provided to date, the proposal must also be considered contrary to Policy 15 of SLLDP2.

10.14. NPF4 Policy 13 - Sustainable Transport also aims to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport or everyday travel and reduce the need to travel unsustainably. Whilst the application site is within the settlement boundary and will be in proximity to transport links, all required information has not been submitted, such as the provision of EV parking within the site. Given this, the proposal must also be considered contrary to Policy 13 of NPF4.

10.15. The Council's Environmental Services were consulted as part of the application process and requested the provision of a noise assessment to determine the impact of noise from the proposed pumping stations. Objections received have also raised concern in relation to noise as a result of the proposed pumping stations. As such, the noise assessment was submitted by the applicant and reviewed, however, as outlined above, contained insufficient information. Objections also raised concern regarding dust, odours, noise, and disturbance during construction. Environmental Services have raised no concerns in relation to dust or odours. It is inevitable there would be some level of disruption to adjacent properties during the period of construction. As this is for a limited period only, it would not be sufficient grounds for refusal. Had the proposal been recommended for approval, any consent issued would have included appropriate advisory notes confirming acceptable construction working hours.

10.16 Conclusion

In conclusion, a full assessment of the proposal against the development plan has been carried out above. There is compliance with some aspects of the development plan, however the applicant has failed to provide a suitable method of drainage, a biodiversity statement, nor have they demonstrated that the proposed pumping stations will not result in unacceptable noise disturbance to existing and new properties. Insufficient information has been submitted in respect of the proposed roads layout for the site. The proposal is therefore contrary to Policies 3, 13, 14 and 22 of the adopted National Planning Framework 4 (2023) and Policies 3, 5, 15, 16, DM1, DM20, SDCC2 and SDCC3 of the adopted South Lanarkshire Local Development Plan 2 (2021). It is recommended that planning permission be refused.

11. **Recommendation and Reasons**

11.1. The Committee is asked to agree the following recommendation:-

Refuse Full Planning Permission for the reason outlined below:-

01. The applicant has failed to supply sufficient information/adequate plans in respect of vehicular and pedestrian visibility splays, drop kerbs, gradients, traffic calming, turning space, parking and EV charging to allow proper consideration of the proposal. The applicant has also failed to provide an acceptable drainage design, details of biodiversity within the site, or demonstrated that the proposed pumping

stations will not have an unacceptable noise impact on residents. In this regard, the proposal is not deemed to be in accordance with Policies 3, 13, 14 and 22 of the adopted National Planning Framework 4 (2023) and Policies 3, 5, 15, 16, DM1, DM20, SDCC2 and SDCC3 of the adopted South Lanarkshire Local Development Plan 2 (2021).

David Booth
Executive Director (Community and Enterprise Resources)

Date: 22 April 2024

Background Papers

Further information relating to the application can be found online:-

[P/21/1590 | Erection of 14no. dwellings with associated landscaping and roads \(amendment to EK/17/0021\) | Land At Newlands Dairy East Kilbride \(southlanarkshire.gov.uk\)](#)

Corporate Considerations

The report raises no impacts or risks in terms of equalities or financial implications. Any implications in terms of climate change, sustainability or the environment will have been considered above in terms of the relevant national and local policies.

Contact for Further Information

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

Tel: 01698 454867

E-mail: planning@southlanarkshire.gov.uk

Report

4

Report to:	Planning Committee
Date of Meeting:	30 April 2024
Report by:	Executive Director (Community and Enterprise Resources)

Reference no:	P/21/2019
Proposal:	Formation of vehicular access road, erection of 18 dwellinghouses, associated landscaping and infrastructure for Area A - Phase 1 (Approval of Matters Specified in Conditions 1, 4, 5, 7, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 21, 24 and 25 of Planning Consent CL/16/0336)
Site Address:	Birkwood Estate Lesmahagow Lanark ML11 0JP
Applicant:	Sunnyside Homes (Birkwood) Ltd
Agent:	G Taylor Associates
Ward:	04 – Clydesdale South
Application Type:	Approval of Matters Specified in Conditions
Advert Type:	Schedule 2 and Development affecting setting of a listed building: Lanark Gazette 12 January 2022 and 7 June 2023
Development Plan Compliance:	Yes
Departures:	N/A
Recommendation:	Grant subject to conditions
Legal Agreement:	N/A
Direction to Scottish Ministers	Not required

1. Reason for Report

- 1.1. The application needs to be determined by the Planning Committee as it relates to an application affected by Clause 16(b) of the Scheme of Delegation Approved by South Lanarkshire Council in May 2022.

2. Site Description

- 2.1. This application relates to land within Birkwood Estate and the site known as Area A - Phase 1 sits to the south but includes access across the estate within the submitted 'red line' boundary.
- 2.2. The overall estate at Birkwood extends to approximately 33 hectares, however, this application site extends to approximately 1.97 hectares. The estate is located within the settlement boundary of Lesmahagow and is designated as a Development Framework site within the adopted South Lanarkshire Local Development Plan 2. The site is also identified as Green Network, and there is a Tree Preservation Order (TPO) applicable to the estate.
- 2.3. The site comprises an established woodland interspersed with pockets of open grassland which is reflected across the full estate which also includes a network of paths. Within the estate, there are a number of listed buildings and structures including Birkwood House, the Driveway Bridge over the River Nethan, the South Driveway Bridge off New Trows Road, the South Lodge, and a walled garden. The site has been neglected for a number of years, although is still used by walkers due to its extensive pathway network. Birkwood House, a category B listed building within the estate, has suffered extensive damage in recent years. A separate listed building application was recently approved for its partial demolition, reference P/22/1773.

3. Description of Proposed Development

- 3.1. Permission is sought for the formation of a vehicular access road, erection of 18 dwellinghouses, associated landscaping and infrastructure for Area A - Phase 1. This is a Matters Specified in Conditions application, relating to conditions 1, 4, 5, 7, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 21, 24 and 25 of planning consent CL/16/0336.
- 3.2. This proposal is the first phase of residential development and is for 18 dwellings which would comprise of a mix of detached and semi-detached properties across 7 housetypes, finished in a variety of modern materials. The proposal includes links to future phases of development at the estate and a SUDS basin. Access into the site would be formed via a new access from New Trows Road which would also be the access for construction traffic. The application would include the upgrading of the existing access across the estate to Abbeygreen to an adoptable standard and will include lighting to ensure pedestrian access prior to occupation of the first properties. Phase 1 also includes the construction of a new mainline sewer, road connections, storm drainage systems and utility infrastructure.
- 3.3. The conditions of planning permission CL/16/0336 which the applicant has submitted information in respect of is as follows:-

Condition 1 – the submission of a site layout including roads/footways, details of all proposed buildings, cross sections, landscaping details, drainage, habitat survey, design statement

Condition 4 – details of phasing of development parcels

Condition 5 – provision of a development brief

Condition 7 – provision of a programme of archaeological works

Condition 9 – provision of a drainage scheme incorporating the principles of SUDs

Condition 10 – provision of a drainage assessment

Condition 11 – requirement for pre-planning discussions with the Council and SEPA to agree scope of information to be submitted and ensure compliance with Scottish Planning Policy

Condition 12 – provision of detailed plans/calculations of any roads/footways within site which require to cross any water course for approval in consultation with SEPA

Condition 13 – provision of a sewerage scheme in accordance with Scottish Water standards

Condition 14 – provision of landscaping, open space and recreation strategies

Condition 15 – provision of detailed Landscape Plan

Condition 16 – provision of haul route constructed to specification including traffic management arrangements

Condition 18 – provision of an Estate Management Plan and Woodland Management Plan for future management/maintenance of the application site

Condition 19 – provision of an Outdoor Access Plan for the provision of walking, cycling and horse riding throughout Birkwood Estate

Condition 21 – provision of a Route Action Plan to mitigate against potential conflict between pedestrians and additional traffic associated with the development

Condition 24 – provision of a strategic habitat survey covering entire application site

Condition 25 – provision of an Environmental Management Plan

4. Relevant Planning History

- 4.1. Birkwood Estate has been the subject of a number of planning consents since 2008. An application for Outline Planning Permission (CL/08/0582) for a mixed-use development comprising residential uses along with a hotel with ancillary leisure/conference facilities, was withdrawn in 2009.
- 4.2. Planning Permission in Principle (PPIP) (CL/14/0413) was granted in April 2015 for residential development along with the conversion of Birkwood House to a hotel with associated chalets in the Estate. Applications for detailed planning permission and listed building consent were subsequently granted in 2016 (CL/16/0122) and CL16/0126) for works to stabilise and protect the fabric of Birkwood House. A Section 42 Planning Consent (CL/16/0336) was granted in December 2016 to vary and replace a number of planning conditions attached to the 2014 PPIP consent and a revised Masterplan for the wider site.
- 4.3. The original planning consent (CL/14/0413) was subject to a Section 75 Legal Agreement. This was subsequently discharged through application CL/17/0410 following the submission and granting of the Section 42 Planning Application under

CL/16/0336 to vary and delete various conditions attached to planning consent CL/14/0413.

- 4.4. Planning Consent CL/16/0336 was subject to a further Section 75 Legal Agreement between Birkwood Estates Ltd (BEL) and the Council. This agreement covered financial contributions towards the provision of educational facilities, community facilities and in lieu of providing on-site affordable housing. This obligation remains in place for the site under planning consent CL/16/0336 and has not been discharged.

5. Supporting Information

- 5.1. The following information was submitted by the applicant in support of the application:-

- ◆ Design Statement - this sets out the design principles for the site and advises it should be read in conjunction with the Development Brief.
- ◆ Development Brief – this presents the applicants framework for development within Birkwood Estate.
- ◆ Woodland Management Plan – this outlines the proposed management plan of woodland across Birkwood Estate.
- ◆ Tree Survey Schedule – this presents the conditions of various trees across the estates and links to the woodland management plan.
- ◆ Ecological Overview – this presents the findings of a follow up survey of the site.
- ◆ Drainage Assessment – this outlines the drainage design and proposed drainage infrastructure for the proposal.
- ◆ Flood Risk Assessment - reports on any existing flooding issues at the site and considers mitigation measures.
- ◆ Archaeology Assessment – this outlines the findings of an archaeological desk-based assessment of the application site.
- ◆ Landscape Management Plan – this outlines the applicants' proposal to enter into an arrangement with a specialist estate management company/factor for long term maintenance of the site.
- ◆ Bat Survey – this outlines the findings of phase 1 and phase 2 bat roost assessment surveys of the site, including recommendations.
- ◆ Environmental Management Plan – this outlines how environmental and ecological impacts that may arise from the development will be managed.
- ◆ Transportation Statements (various) - reports transport observations and assessment of how the proposed development may integrate with the surrounding area/local transport network.
- ◆ NPF4 Statement – this document outlines the relevant policies of NPF4 and the applicant's response as to how the proposal complies.

6. Consultations

- 6.1. Environmental Services - no objections subject to the attachment of conditions and advisory notes in relation to noise, contaminated land site investigation and remediation and dust mitigation.
Response: Noted. Should permission be granted, appropriate conditions and advisory notes can be attached.
- 6.2. Historic Environment Scotland - no comments.
Response: Noted.
- 6.3. Roads Development Management – Request conditions in relation to a number of matters including parking, visibility splays, traffic calming, road safety audit, invasive weed survey, footway provision, bus shelter provision and surfacing.
Response: Noted.
- 6.4. Roads Flood Risk Management - note that signed appendices A and B of the developer design guidance are satisfactory, and that appendices C, D and E will be required to be provided for each construction consent phase.
Response: Noted.
- 6.5. Scottish Water – require the provision of Hydraulic Water Impact Assessment and Drainage Impact Assessments for the entire development at Birkwood Estate.
Response: Noted. This application is for 18 dwellings therefore these assessments are not required at this stage.
- 6.6. West of Scotland Archaeology Service (WOSAS) - no objection to the proposal and advise that further archaeological work would not be required in advance of development commencing for this site, however, also note that the archaeological condition should remain attached in relation to future phases.
Response: Noted.

7. Representations

- 7.1. Following the statutory period of neighbour notification and advertisement, a total of 4 representations have been received (2 objections, 1 comment, 1 support). The issues raised are summarised as follows:-
- ◆ Road safety/traffic increase
 - ◆ Location of proposed access road using privately owned land
 - ◆ Loss of value
 - ◆ Will bring the site back into a useable space

The above issues will be considered in the assessment below and full copies are available to view on the planning portal.

8. Development Plan

- 8.1. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. National Planning Framework 4
National Planning Framework 4 (NPF4) is Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments, and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places, and productive places.

National Planning Framework 4 Policies

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

8.3. South Lanarkshire Local Development Plan 2 (2021)

For the purposes of determining planning applications the Council will also assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan (SLLDP2). In this regard the application site and associated proposals are affected by the following policies:-

SLLDP2 Volume 1 Policies

- ◆ Policy 1 - Spatial Strategy
- ◆ Policy 2 - Climate Change
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 11 - Housing
- ◆ Policy 14 – Natural and Historic Development
- ◆ Policy 15 - Travel and Transport
- ◆ Policy 16 - Water Environment and Flooding

SLLDP2 Volume 2 Policies

- ◆ Policy DM1 - New Development Design
- ◆ Policy NHE9 – Protected Species
- ◆ Policy NHE13 – Forestry and Woodland
- ◆ Policy NHE14 – Tree Preservation Orders
- ◆ Policy SDCC2 - Flood Risk
- ◆ Policy SDCC3 - Sustainable Drainage Systems
- ◆ Policy SDCC4 – Sustainable Transport

South Lanarkshire Council (SLC) Supporting Planning Guidance

- ◆ Residential Design Guide (2011)

9. Guidance

9.1. None applicable.

10. Assessment and Discussion

10.1. Introduction

This is a reserved matters application for the formation of vehicular access road, erection of 18 dwellinghouses, associated landscaping and infrastructure for Area A - Phase 1 at Birkwood Estate, Lesmahagow. This application is specifically in relation to Conditions 1, 4, 5, 7, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 21, 24 and 25 of planning consent CL/16/0336. The main issues to be addressed in the determination of this application include the proposed layout, siting and design, and an assessment of technical matters. National Planning Framework 4 and the South Lanarkshire Local

Development Plan 2 are the main policy consideration in this case, together with an assessment of any other material planning considerations.

10.2. Principle of Development

In terms of SLLDP2 Policy 1 – Spatial Strategy, the site is designated as a Development Framework Site and is therefore identified for development. The site already benefits from planning permission in principle as per consent CL/16/0336. The principle of development for residential purposes has already been established and the assessment of this application relates to the development layout proposed under Phase 1 and any works required to facilitate this.

10.3. Climate Change

NPF4 Policy 1 - Tackling the Climate and Nature Crises and Policy 2 - Climate Mitigation and Adaptation, along with Policy 2 – Climate Change of SLLDP2 aim to ensure that proposals for new development must seek to minimise and mitigate against the effects of climate change. The site is located within the settlement boundary and is designated as part of a masterplan for Birkwood Estate. The proposal will provide an energy efficient development, as well as providing an upgraded pedestrian/cyclist link to Abbeygreen. A condition would be attached for EV charging to be provided at each property. The proposal is consistent with Policies 1 and 2 of NPF4, and Policy 2 of SLLDP2.

10.4. Biodiversity, Trees and Woodland

NPF4 Policy 3 – Biodiversity, aims to protect and reverse biodiversity loss, deliver positive effects from development, and strengthen nature networks. NPF4 Policy 4 - Natural Places advises proposals, by virtue of type, location or scale that will have an adverse impact on the natural environment will not be supported. NPF4 Policy 6 - Forestry, woodland and trees advises proposals that enhance, expand and improve woodland and tree cover will be supported and those that result in the loss of ancient woodlands, native woodlands, hedgerows and individual trees of high biodiversity value will not be supported. Similarly, Policy NHE14 – Tree Preservation Orders and Policy NHE13 - Forestry and Woodland of SLLDP2 seek to protect trees and woodland from inappropriate development.

10.5. The proposed development will require the removal of some trees subject to a TPO to facilitate the development. A tree survey has been provided outlining the condition of the trees, as well as a woodland management plan outlining short and long-term management of the woodland across Birkwood Estate. In line with Policy NHE9 – Protected Species, the applicant has provided an ecological survey and subsequent update reports during the application process which includes recommendations which the Council are satisfied can be conditioned. Given the above, the proposal is considered to generally comply with Policies 3, 4 and 6 of NPF4, and Policy NHE13 of SLLDP2.

10.6. Layout, Siting and Design

NPF4 Policy 14 - Design, Quality and Place aims to encourage, promote, and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle and sets out six qualities of successful places, including whether the development is connected and sustainable. SLLDP2 Policy 5 – Development Management and Placemaking and DM1 – New Development Design aim to ensure development takes account of the principles of sustainable development and require all proposals to be well designed and integrated with the local area with no significant adverse impacts on the local community and the environment.

- 10.7. The development proposed would form Phase 1 of Area A. Following assessment, the Council is satisfied the proposed mix of house types, materials, size of properties and development layout are acceptable and in compliance with the principles of the approved masterplan. The proposal also includes a detailed landscaping scheme, as well as a woodland management plan. It is noted that the letter of support received for the proposal refers to the site being brought back into a useable space which is noted and agreed. The proposal is considered to comply with Policy 14 of NPF4, and Policies 5 and DM1 of SLLDP2.
- 10.8. NPF4 Policy 15 - Local Living and 20-minute neighbourhoods seeks to create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling, or using sustainable transport options. The application site is within the settlement boundary and although this development phase is towards the southern corner of Birkwood Estate, an access across the estate linking the site with Abbeygreen to the north-east of the estate will result in the site being within walking distance of nearby amenities in Lesmahagow. The proposal is consistent with Policy 15 of NPF4.
- 10.9. NPF4 Policy 16 - Quality Homes aims to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations. SLLDP2 Policy 11 – Housing advises the Council expects developers to provide a diverse and attractive mix of housetypes. The site is located within the existing settlement on an allocated housing site. The proposed development is of an acceptable layout, design and materials and provides a variety of housetypes. As such, the proposal is in compliance with Policy 16 of NPF4 and Policy 11 of SLLDP2.
- 10.10. NPF4 Policy 7 – Historic assets and places aims to protect and enhance historic environment assets and places and enable positive change for the regeneration of places. Similarly, SLLDP2 Policy 14 - Natural and Historic Environment requires all developments to be assessed in terms of their effect on the character and amenity of the natural and built environment. Birkwood Estate contains several listed structures including the remaining structure of Birkwood House, a category B listed building. The Council is satisfied appropriate measures are in place to ensure their protection during development. The proposal complies with Policy 7 of NPF4 and Policy 14 of SLLDP2.
- 10.11. Other Issues
A point raised through representation notes that the access to the site from New Trows Road would require to cross land that is privately owned. Since this was raised, there have been detailed legal discussions which have confirmed that the applicant has a legal right of access over this land and to construct the vehicular access road into this area of the site.
- 10.12. Technical Matters
NPF4 Policy 22 - Flood Risk and Management aims to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. SLLDP2 Policy 16 – Water Environment and Flooding is also relevant and advises any development that has an unacceptable impact on the water environment will not be permitted. In determining proposals, consideration shall be given to water levels, flows, quality, features, flood risk and biodiversity within the water environment. Policies SDCC2 – Flood Risk and SDCC3 – Sustainable Drainage Systems also expand on this. Flooding and drainage details have been submitted and agreed with the Council's Flood Risk Management section. They have no objections subject to conditions and the proposal is considered to comply with Policy 22 of NPF4 and Policies 16, SDCC2 and SDCC3 of SLLDP2.

10.13. SLLDP2 Policy 15 – Travel and Transport is applicable in relation to road safety and impact on the road network and requires all new development proposals to consider the impact of traffic growth. Road safety and an increase in traffic as a result of the development have been raised through objection to the proposal. Throughout the application process, transport statements have been submitted in response to comments raised by the Council’s Roads Development Management (DM) section who have subsequently removed their objection to the proposal subject to the attachment of conditions. Whilst it is noted that Roads’ preferred construction access would be via an access to the south of the site, the applicant has provided sufficient information to demonstrate that the access from New Trows Road is suitable. This will also be the finished site access which Roads DM do not object to. The proposal is considered to be consistent with Policy 15 of SLLDP2.

10.14. NPF4 Policy 13 Sustainable Transport aims to encourage, promote, and facilitate developments that prioritise walking, wheeling, cycling and public transport or everyday travel and reduce the need to travel unsustainably. SLLDP2 Policy SDCC4 Sustainable Transport requires new developments to be accessible by walking, cycling and public transport. As a new residential development, adequate car parking must be provided per dwelling, however, each property will include EV charging. In addition, as noted above, the existing access to Abbeygreen will be upgraded to an adoptable standard. The proposal generally complies with Policy 13 of NPF4 and Policy SDCC4 of SLLDP2.

10.15. Conclusion

In conclusion, a full assessment of the proposal against the development plan has been carried out above. The Council is satisfied that all information required by conditions 1, 4, 5, 7, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 21, 24 and 25 of application CL/16/0336 have been submitted. Whilst the conditions cannot be discharged as they remain applicable to future phases of development at Birkwood Estate, the information submitted is sufficient to allow consideration of Phase 1 - Area A. It is considered that this proposal will not result in any significant adverse amenity, environmental or safety impacts, and therefore complies with the relevant policies of the adopted National Planning Framework 4 and the adopted South Lanarkshire Local Development Plan 2. It is recommended that planning permission to be granted subject to the attached conditions.

11. Recommendation and Conditions

11.1. The Committee is asked to agree the following recommendation:-

Grant Full Planning Permission subject to the following conditions:-

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

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

02. That the landscaping scheme for Area A - Phase 1 shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or completion of the development hereby approved, whichever is the sooner, to the satisfaction of the Council.

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

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

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

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

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

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

Reason: To minimise noise, vibration and disturbance to neighbouring residents/occupants during blasting.

- 06 (a) The applicant shall be required to undertake a comprehensive site investigation, carried out to the appropriate Phase level, to be submitted to and approved in writing by the Council as Planning Authority. The investigation shall be completed in accordance with the advice given in the following:-

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

(ii) Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11) - issued by DEFRA and the Environment Agency;

(iii) BS 10175:2001 - British Standards institution 'The Investigation of Potentially Contaminated Sites - Code of Practice'.

(b) If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model must be formulated and these linkages must be subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages using site specific assessment criteria will require to be submitted.

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

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

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

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

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

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

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

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

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

a) Location and installation of services/ utilities/ drainage.

b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.

c) Details of construction within the RPA or that may impact on the retained trees.

d) A full specification for the installation of boundary treatment works.

e) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.

- f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- h) A specification for scaffolding and ground protection within tree protection zones.
- i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well as concrete mixing and use of fires.
- k) Boundary treatments within the RPA.
- l) Methodology and detailed assessment of root pruning.
- m) Arboricultural supervision and inspection by a suitably qualified tree specialist.
- n) Reporting of inspection and supervision.
- o) Methods to improve the rooting environment for retained and proposed trees and landscaping.
- p) Veteran and ancient tree protection and management.

The development shall thereafter be implemented in strict accordance with the approved details.

Reason: To ensure that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.

10. That the Environmental Management Plan (Rev G) shall be implemented in full throughout the construction period to the satisfaction of the Council.

Reason: To ensure compliance with environmental legislation, regulatory requirements and procedures during the construction process.

11. That any requirements and recommendations of the Central Environmental Surveys Ecological Overview dated October 2022 shall be carried out in accordance with this document prior to and throughout the construction process.

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

12. That before the development hereby approved is completed or brought into use, a visibility splay of 2.4metres by 43metres, measured from the nearside road channel line of New Trows Road, shall be provided in both directions and that everything exceeding 0.9 metres in height, when measured above the adjacent road channel level, shall be removed from the visibility splay and thereafter nothing exceeding 0.9 metres in height shall be placed, erected, planted or allowed to grow within these sight lines.

Reason: In the interests of traffic and public safety.

13. That prior to commencing works on site, the applicant shall submit detailed designs for the traffic calming works shown on J5258-A-037 Revision F and once approved in writing and before the development hereby approved is completed or brought into use, these traffic calming measures shall be provided on New Trows Road in accordance with the specification and all to the satisfaction of the Council as Planning and Roads Authority.

Reason: In the interests of traffic and public safety.

14. That the applicant shall resurface the full width of New Trows Road over the extent of the proposed site access all in accordance with a specification and timescales to be agreed in writing by the Council as Planning and Roads Authority.

Reason: To prevent deleterious material being carried onto the road.

15. That the developer shall undertake an invasive weed survey, which shall include nuisance weeds such as Horsetail, and submit the findings of the survey along with their proposed remediation strategy, all for the written approval of the Council as Planning and Roads Authority, prior to commencement on site of any topsoil stripping, earthworks or intrusive site investigations. That no invasive weeds or nuisance weeds shall be permitted below or within influencing distance of the public road. Where such weeds are located within 25metres of the prospectively adoptable road then a suitable membrane detail shall be provided adjacent to the prospectively adoptable road edge. Once approved, all works shall be progressed in accordance with the agreed remediation strategy.

Reason: To ensure that the site is free from the presence of invasive weeds.

16. That prior to occupation of any dwellinghouse on site the required walking/cycling upgrades between the main access road at Plot 1 and existing footway on Abbeygreen, shall be implemented on site generally in accordance with drawing L-GT-10-01 Revision C which will include introduction of remote footpath lighting columns generally in accordance with drawing 3133 Revision B.

Reason: To ensure the provision of adequate links and lighting to serve the development.

17. That the developer shall submit detailed proposals for a new bus stop and shelter on Abbeygreen and once approved shall install this bus stop and shelter at the agreed location to the satisfaction of the Council as Planning and Roads Authority in consultation with Strathclyde Partnership for Transport prior to occupation of the first dwelling house.

Reason: This detail has not been submitted or approved.

18. That all remote footways shall incorporate continuous filter drains which shall discharge via a silt trap into Scottish Water's system or other suitable outfall all to the satisfaction and written approval of the Council as Planning and Roads Authority.

Reason: To ensure appropriate drainage.

19. Prior to commencing works on site, the applicant shall submit details of the proposed surface water outfall from the SUDs basin to St Brides Burn including levels, gradients, check dams and headwall details etc., along with the existing path crossing, all for the written approval of the Council as Planning and Roads Authority.

Reason: This detail has not been submitted or approved.

20. That prior to commencement of any works on site the applicant shall submit, for the written approval of the Council as Planning and Roads Authority, details of the electric vehicle charging (EVC) facilities. Where EVC points are not located within a private driveway then details shall also include arrangements for siting of charging posts taking account of parking bays, boundary features and pedestrian movement, and be accompanied by proposals for maintenance arrangements. Once approved the agreed EVC provision shall be installed, commissioned, and maintained in accordance with the approved plans and specifications prior to that property which it serves being occupied.

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

21. That prior to completion of each dwelling house, the first 2.0 metres of the driveway serving that dwelling shall be so surfaced in a bound material and trapped to prevent any surface water or deleterious material from entering the prospectively adoptable road.

Reason: In the interests of road safety.

22. That prior to occupation of each proposed dwelling house, the driveway serving that property shall be constructed such that the gradient does not exceed 1 in 12.

Reason: In the interests of traffic and public safety.

23. That prior to works commencing on site, the proposed culvert, required as part of the burn crossing facilitating a foul sewer between manholes F14 and F15 on drawing J5258-A-043 Revision C, shall be designed in accordance with the Design Manual for Roads and Bridges subject to the full Technical Approval (TA) process as set out in document number CG300 of the Design Manual for Roads and Bridges with South Lanarkshire Council identified as Technical Approval Authority. The TA process must be complete and design certification approved prior to commencement of any construction operations relating to the proposed culvert. The minimum available headroom between the soffit of the culvert deck/roof and the finished level of the watercourse bed shall be 1500mm to provide ready access for future maintenance/inspection operations.

Reason: To ensure the provision of appropriate infrastructure.

24. That an earthworks design complying with the Design Manual for Roads and Bridges, based on appropriate ground investigation, and a specification complying with the Specification for Highway Works shall be submitted to The Council as Roads Authority for approval. This information shall be presented for all earthworks works associated with prospectively adoptable roads including St Bride's Burn foul sewer crossing/future Area G access. Site works on these components shall not commence until the Council's approval has been obtained.

Reason: This detail has not been submitted or approved.

25. Earthworks on which adoptable roads are to be built shall be supervised by a suitably qualified and experienced firm of chartered engineers with a geotechnical background. On completion, the supervising engineers shall compile a validation report including site records and test results demonstrating that construction was undertaken in accordance with the approved specification. This report shall be submitted to the Council as Roads Authority.

Reason: In in the interests of public safety.

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

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

12. Reason for Decision

- 12.1. The proposal would have no significant adverse impact on amenity, public safety or the local environment and complies with the provisions of Policies 1, 2, 3, 4, 6, 7, 13, 14, 15, 16 and 22 of National Planning Framework 4 (2023), and Policies 1, 2, 5, 11, 14, 15, 16, DM1, NHE9, NHE13, SDCC2, SDCC3 and SDCC4 of the adopted South Lanarkshire Local Development Plan 2 (2021).

David Booth

Executive Director (Community and Enterprise Resources)

Date: 22 April 2024

Background Papers

Further information relating to the application can be found online:-

[P/21/2019 | Formation of vehicular access road, erection of 18 dwellinghouses, associated landscaping and infrastructure for Area A Phase 1\(Approval of Matters Specified in Conditions 1, 4, 5, 7, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 21, 24 & 25 of Planning Consent CL/16/0336\) | Birkwood Estate Lesmahagow Lanark ML11 0JP \(southlanarkshire.gov.uk\)](#)

Corporate Considerations

The report raises no impacts or risks in terms of equalities or financial implications. Any implications in terms of climate change, sustainability or the environment will have been considered above in terms of the relevant national and local policies.

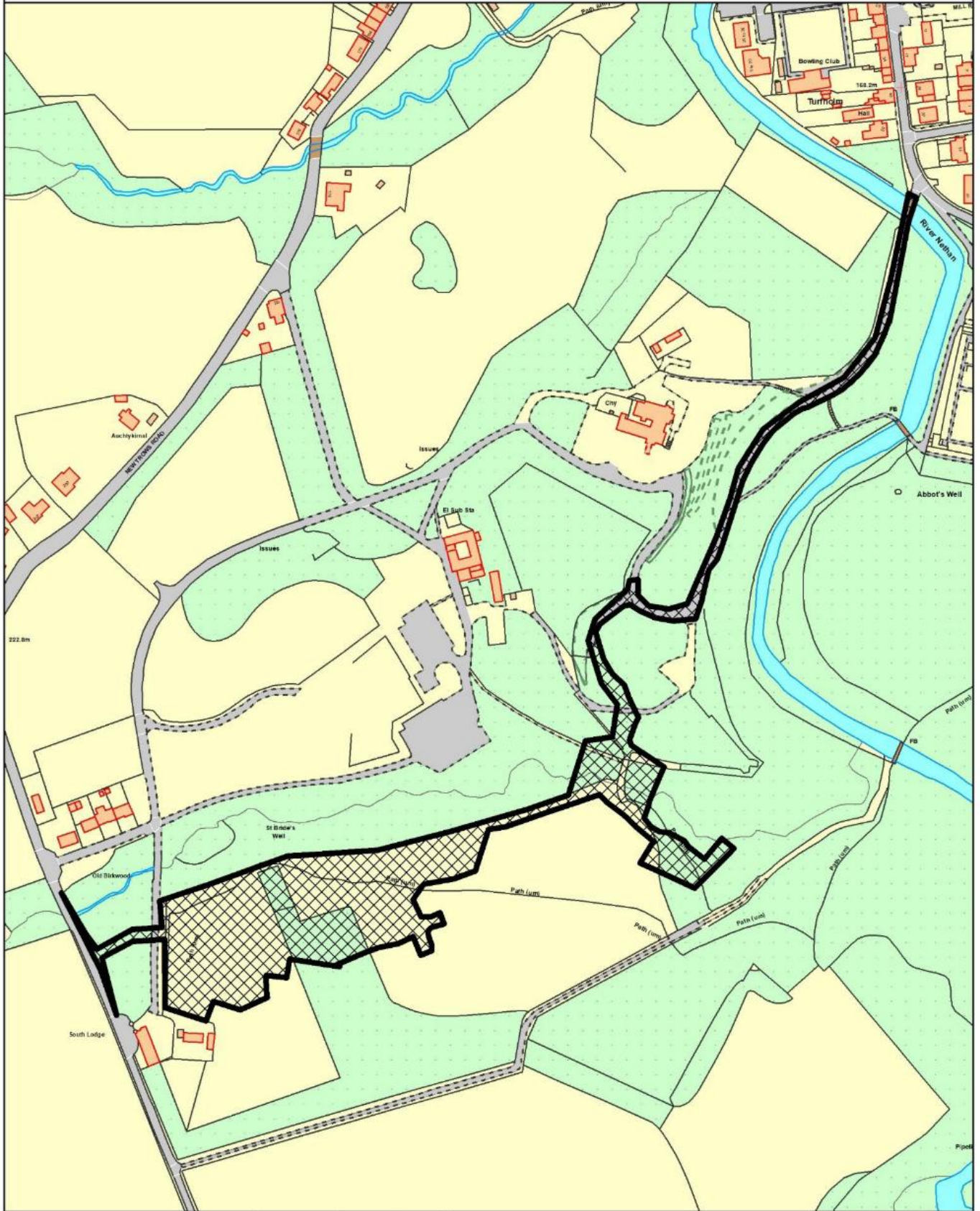
Contact for Further Information

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

Tel: 01698 454867

E-mail: planning@southlanarkshire.gov.uk

P/21/2019 Birkwood Estate, Lesmahagow



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Scale:
1:3,500
Date:
21/03/2024



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

Report

5

Report to:	Planning Committee
Date of Meeting:	30 April 2024
Report by:	Executive Director (Community and Enterprise Resources)

Reference no:	P/22/0477
Proposal:	Erection of single storey dwellinghouse with attic accommodation (4 bedroom (including three guest bedrooms)) and stabling for a maximum of 3 horses associated with the establishment of a bed and breakfast facility
Site Address:	Land at Westsidewood Road Carnwath
Applicant:	Mr and Mrs David and Joan Knight
Agent:	David Graham
Ward:	03 Clydesdale East
Application Type:	Detailed Planning Permission
Advert Type:	Non-notification of neighbours: Lanark Gazette 4 May 2022
Development Plan Compliance:	No
Departures:	Contrary to Policies 14, 15, 16 and 17 of NPF4 (adopted 2023) and Policies 4, GBRA2, GBRA9 and GBRA10 16 of the South Lanarkshire Local Development Plan 2 (adopted 2021)
Recommendation:	Refuse
Legal Agreement:	N/A
Direction to Scottish Ministers	N/A

1. Reason for Report

- 1.1. As required by the approved South Lanarkshire Council Planning Application Decision-Making Process 2015, a request that this otherwise delegated application be determined by the Planning Committee was received from Planning Committee member, Councillor Alex Allison, and this was agreed by the Head of Planning and Regulatory Services and the Chair of the Planning Committee.

2. Site Description

- 2.1. The application site (0.4ha) comprises a rectangular grass paddock, adjoining an existing line of modern dwellings, located in the rural area between Carnwath and Auchengray. It is bounded to the north and west by agricultural land, to the south by a single storey dwelling and to east by Westsidewood Road and beyond by a conifer plantation.
- 2.2. Along the front eastern boundary there is a single mature sycamore and the stumps of mature beech trees which were removed prior to the submission of this planning application. Topographically the site gently slopes in a north/south direction.

3. Description of Proposed Development

- 3.1. Permission is sought to erect a dwellinghouse with associated garage and stables with the intention of establishing a B&B business with stabling facilities for people travelling with horses. The business will focus on short term stays for guests wishing to break long journeys between their home and horse events / competitions or other activities they might be attending. The single storey dwelling with attic accommodation would contain 4 ensuite bedrooms with three of the bedrooms reserved for visitor letting. Also proposed is stabling for three horses, parking for 3 vehicles and 2 horse boxes and an outside paddock for exercising and grazing the horses.
- 3.2. The incline of the slope would be cut into, to create a level platform for the house. A native hedgerow and replacement tree planting would be established along the front boundary. A new access would be formed onto Westsidewood Road.

4. Relevant Planning History

- 4.1. Planning Permission in Principle was refused for a dwellinghouse at this location in May 2012.

5. Supporting Information

- 5.1. In support of the planning application, the applicant has submitted:-

- ◆ Planning Statement
- ◆ Business Plan

6. Consultations

- 6.1. Roads Development Management Team - No objection subject to conditions covering access, visibility, parking, surfacing, drainage, and gate location.
Response: Noted.
- 6.2. Roads Flood Risk Management – No response received to date.
Response: Noted. The proposal is only for one dwelling, stables and associated access and parking. Most of the site will remain permeable. If permission was granted, conditions could be applied requiring the approval and installation of drainage and flood risk mitigation measures.

- 6.3. Enterprise and Sustainability Development Services - The submitted business plan is brief and advises that the cost of the development is to be wholly covered by the owners, with no external funding required. Turnover is projected to be modest but profitable in year one and is expected to grow as business becomes known and perhaps gains repeat business. The business has a marketing plan in place via its own website, social media and the British Horse Society website. An overall figure for overheads has been provided but is not broken down and, as well as normal business overheads, it is not clear that the figure includes provision for public liability insurance and insurance to cover the horses. There is no mention of any job creation associated with the development.

Response: Noted.

- 6.4. Scottish Water - There is sufficient capacity at the Coulter Water Treatment Works. There is no public sewer within the vicinity therefore the applicant should investigate options for a private treatment system.

Response: Sewerage disposal would be dealt with by a private septic tank and soakaway.

7. **Representations**

- 7.1. Following the statutory period of neighbour notification and advertisement for non-notification of neighbours in the local press, a total of 17 objections were received. The issues raised are summarised as follows:-

Amenity and Design

- ◆ Overlooking and impact upon privacy.
- ◆ The proposal is for isolated and sporadic development within a rural area.
- ◆ The development would fail to protect the character and landscape setting.
- ◆ The proposal would cause noise, odour, dust, and potential vermin.
- ◆ The design is suburban in appearance.
- ◆ The proposal would detrimentally impact the setting of B-Listed Ampherlaw House.

Roads related matters

- ◆ Increasing the number of vehicles driving along a narrow road will represent a safety hazard.
- ◆ Poor visibility at the application site.

Drainage and flooding

- ◆ The development would cause flooding and potentially impact upon drainage in the surrounding area.

Impact on Natural and Historic Environment

- ◆ The applicant removed trees on site to facilitate the development.
- ◆ The trees which were on site had significant biodiversity benefits in addition to their visual appeal and should have been retained.
- ◆ The quantity of trees removed exceeded 5 cubic metres in which case a licence from Forestry Scotland would have been required.

Other Matters Raised

- ◆ Viability of the proposal is questioned as the location is a long way from the Core Path Network and from eventing opportunities.
- ◆ Remote location will add to distance travelled by animals in a horse box.
- ◆ The equestrian element is purely to gain approval for a house as a previous application for a house was refused.

- ◆ It would be better to renovate existing derelict rural properties rather than develop a greenfield site.
- ◆ The location, site and elevational plans do not show sufficient detail. There are no site sections.
- ◆ Insufficient land for the business.

7.2. The above issues are considered in the assessment below. These letters are available for inspection on the planning portal.

8. Development Plan

8.1. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

8.2. National Planning Framework 4

National Planning Framework 4 (NPF4) is Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places and productive places.

National Planning Framework 4 Policies

- ◆ Policy 1 - Tackling the climate and nature crises
- ◆ Policy 2 - Climate mitigation and adaptation
- ◆ Policy 3 - Biodiversity
- ◆ Policy 14 - Design, quality and place
- ◆ Policy 15 - Local living and 20 minute neighbourhoods
- ◆ Policy 16 - Quality homes
- ◆ Policy 17 - Rural homes
- ◆ Policy 29 - Rural development
- ◆ Policy 30 - Tourism

8.3. South Lanarkshire Local Development Plan 2 (2021)

For the purposes of determining planning applications the Council will assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan 2 (SLLDP2). In this regard the application site and associated proposals are affected by the following policies contained in the SLLDP2:-

SLLDP2 Volume 1 Policies

- ◆ Policy 2 - Climate Change
- ◆ Policy 4 - Green Belt and Rural Area
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 6 - Visitor Economy and Tourism
- ◆ Policy 14 - Natural and Historic Development

SLLDP2 Volume 2 Policies

- ◆ Policy GBRA1 - Rural Design and Development
- ◆ Policy GBRA2 - Business Proposals within Green Belt and Rural Area
- ◆ Policy GBRA3 - New Equestrian Businesses
- ◆ Policy GBRA9 - Consolidation of Existing Building Groups
- ◆ Policy GBR10 - Accommodation Associated with an Existing or Proposed Rural Business
- ◆ Policy VET2 - Visitor Accommodation

9. Guidance

9.1. None applicable.

10. Assessment and Discussion

10.1. Introduction

The determining issues in the consideration of this application are its compliance with the National Planning Framework 4 (NPF4) and the adopted South Lanarkshire Local Development Plan 2 (SLLDP2).

10.2. Climate Change

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

10.3. Policy 2 Climate Change of SLLDP2 seeks to minimise and mitigate against the effects of climate change by considering various criteria including: being sustainably located; reuse of vacant and derelict land; avoidance of flood risk areas; incorporating low and zero carbon generating technologies; opportunities for active travel routes and trips by public transport; electrical vehicle recharging infrastructure and where appropriate connection to heat networks.

10.4. The site is not at risk of flooding. If the proposal was considered acceptable, the applicant could be asked to submit further details of low carbon technology; a tree planting scheme and the installation of electric vehicle charging points for the approval of the planning authority. The proposal has not identified opportunities for active travel routes and trips by public transport.

10.5. Principle of Development

NPF4 Policy 17 Rural homes aims to encourage, promote and facilitate the delivery of high quality, affordable homes in the right location. The policy advises that NPF4 supports new homes in the rural area where the development is suitably scaled, sited and designed and (using the only applicable criteria under (17a) for this proposal) where it is demonstrated to be necessary to support the sustainable management of a viable rural business where there is an essential need for a worker to live permanently at their place of work.

10.6. In this instance, the proposed dwelling is itself the business as, rather than converting an existing dwelling to a B&B, the applicants are proposing a purpose-built B&B on an undeveloped and unallocated site. Such uses are not normally considered rural businesses and instead are normally assessed as Tourism proposals. In this instance however, the applicant has advised that it is their intention to design and market the B&B primarily towards guests who are travelling with horses. Consequently, due to this equestrian element, they believe it would be best located in a rural area.

- 10.7. It is accepted, that where visitors are bringing horses onto a site and using stables and a paddock, on site supervision by the operator would be necessary. However, this element is not exclusive (guests without horses could still stay at the premises) and as such it is difficult to describe the proposed B&B definitively as a rural business. With regards to viability, a business plan has been submitted, however, the figures within it are projections and are not a guarantee that the proposal would prove to be viable in the medium to long term. The difficulty is that if income projections prove to be unfounded then a new dwelling would have been constructed in a greenfield rural location where in normal circumstances such a house could not be supported under the terms of NPF4 and Local Development Plan (LDP) policies. In summary, the proposal is for a new dwellinghouse that is linked to a proposed business which has neither been demonstrated as viable nor definitively rural in nature. Policy 17 only supports a dwelling necessary for the sustainable management of an existing viable rural business and, as such, the proposal does not accord with any of the criteria listed in Policy 17.
- 10.8. NPF4 Policy 16 – Quality homes seeks to encourage, promote and facilitate the delivery of high quality homes, in the right locations. It advises that development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where there is an agreed timescale for build-out, where they are consistent with the spatial strategy and local living and in rural locations must be consistent with the policy on rural homes. In this case the proposal contravenes relevant criteria above and, therefore, does not accord with NPF4 Policy 16.
- 10.9. Policy 4 ‘Green Belt and Rural Area’ of the SLLDP2 specifies that within the Rural Area, the aim is to protect the amenity of the countryside while at the same time, supporting small scale development in the right place that is appropriate in land use terms and is of a high environmental quality that will support the needs of communities. It functions primarily for agriculture, forestry, recreation, and other uses appropriate to the countryside. Development which does not need to be in the countryside will be expected to be accommodated within the settlements identified on the proposals map. Isolated and sporadic development will not be supported.
- 10.10. A proposed dwelling on a greenfield site does not need to be in the countryside and it is not sustainable to incrementally add additional housing at this rural location. The proposed dwelling would form part of a proposed business providing B&B accommodation and stabling facilities for people travelling with horses. However, the estimated profit projections are supposition and can’t be confirmed until the business has been established and trading for at least a year. As such, the proposal is contrary to Policy 4 of the South Lanarkshire Local Development Plan 2.
- 10.11. Policy GBRA9 ‘Consolidation of Existing Building Groups’ of SLLDP2 advises that proposals for new houses within existing building groups will be supported, subject to specified criterion. It requires that new development shall:-
- ◆ reflect and respect the scale, character, cohesiveness of the building group. Any new building shall be located within a reasonable distance of the existing properties.
 - ◆ not result in ribbon/linear development.
 - ◆ shall not significantly adversely affect the landscape character or setting of the area.

- 10.12. The proposal would not consolidate nor round off the building group. Rather, it would extend beyond the defined group into a greenfield site currently used as productive agricultural land and add to the existing line of ribbon development, thereby eroding the rural character of the area. Therefore, the proposal does not comply with SLLDP2 Policy GBRA9.
- 10.13. Policy GBRA2 'Business Proposals within the Greenbelt and Rural Area' reiterates that proposals should be an appropriate use in the rural area. For new businesses and those seeking to relocate to, or extend within the Green Belt and Rural Area, the preference is to re-use or convert existing buildings. Sympathetic extensions and alterations to existing structures may also be acceptable. Where it is shown that appropriate buildings are not available to accommodate the needs of business, new development may be acceptable where it is shown to integrate within an established building group, or it involves redevelopment of previously developed land. The policy lists types of development considered appropriate in the rural area including: recreation, tourism, holiday accommodation, leisure and sporting developments. In addition, where required, a 5 year business plan shall be provided.
- 10.14. The proposed holiday accommodation with ancillary stabling and livery facilities is in principle an appropriate use within a rural area. The paddock owned by the applicant is sufficient in size for the accommodation, stables, parking, turning and horse exercise paddock. A 5 year business plan has been submitted in support. Unfortunately, the visitor accommodation would be integrated into the structure of a new residential dwelling for the applicant which forms part of the planning application. A new dwelling cannot be justified unless it is required to support an existing established business and in this case, the business is at present only a proposal. The proposal is therefore contrary to SLLDP2 Policy GBRA2.
- 10.15. SLLDP2 Policy GBR10 Accommodation associated with an Existing or Proposed Rural Business states: 1) The applicant should first consider whether there are traditional buildings suitable for conversion, redundant buildings, gap sites or opportunities to consolidate a building group within the land available to them. 2) The business proposal shall comply with Policy GBRA2. 3) It is demonstrated that accommodation is essential for the successful management of the business. 4) It is demonstrated that the business (new, relocating or established) is based upon a robust market assessment, planned on a sound financial basis and the business will become viable in the long term. 5) The submission of a 5 year business plan will be required to demonstrate compliance with criteria 3 and 4.
- 10.16. For businesses which are proposed or cannot yet demonstrate profitability for the preceding 2 years, temporary accommodation should be considered subject to the following criteria: 1) For the first two years only temporary accommodation will be permitted. 2) After 2 years if it can be demonstrated that the business is currently profitable and projected to remain so for a further 2 years, then a proposal for a permanent dwelling can be considered. This should comply with the above criteria for established businesses. If it cannot be demonstrated that the business is currently profitable, then an extension to the time period for the temporary accommodation could be considered. This will be subject to submission of a revised business plan which shows that the business can become viable.
- 10.17. The proposal comprising B&B accommodation and stabling/livery facilities and parking for horse boxes is a proposed business that cannot demonstrate profitability for the preceding two years. As such, the only accommodation which would have been acceptable under Policy GBRA10 would be temporary accommodation. The new-build dwellinghouse proposed is not temporary accommodation but rather permanent

residential accommodation. As such, the proposal contravenes SLLDP2 Policy GBRA10.

10.18. SLLDP2 Policy GBRA3 New Equestrian Businesses states: Within the Green Belt and Rural Area, proposals relating to the formation of equestrian businesses should meet the following criteria: 1) Demonstrate sufficient land is available for current and future needs of the business. 2) There is sufficient parking provision for clients and staff and onsite parking for trailers and horseboxes. 3) Site access should be suitable for large vehicles (horseboxes, delivery lorries). 4) Arrangements for equestrian waste/storage/disposal and location and lighting for outdoor arenas should not adversely affect neighbouring occupiers or the environment. All equestrian development proposals shall require to submit a five year business plan.

10.19. As stated earlier, there is sufficient land to accommodate the proposed stables, parking, exercise paddock, access and turning areas. No menage or outdoor arena lit by external floodlight is proposed. There will only be stabling for three horses therefore the generation of horse related vehicles is likely to be relatively low level. The stables would sit well back from the nearest neighbouring dwelling, adjacent the southern boundary, and an intervening garage is proposed between the stables and the neighbouring boundary. A five year business plan has been submitted. Overall, the equestrian element of the proposal accords with SLLDP2 Policy GBRA3.

10.20. Layout, Siting and Design

SLLDP2 Policy 5 Development Management and Placemaking and Policy GBRA1 Rural Design and Development aim to ensure well designed development that makes for successful places and considers the impact on residential amenity and the appropriateness of the development to a rural setting.

10.21. The design of the dwelling reflects traditional architecture with rectangular footprint, steep pitched roof, vertical fenestration, and elevations finished in render. Adequate garden space would be available, and the proposal would also comply with the aims of the Councils Residential Design Guide. The development does not affect features of importance to landscape character. Tree and hedgerow planting along the front boundary is proposed. No important heritage features will be lost, and the proposal would not have a significant impact upon protected habitats or species. Other than the lack of a public drainage connection, there are no infrastructure constraints. Roads, Transportation and Fleet Services have not raised any traffic or public safety issues in their consultation response. Adequate parking and access could be provided. In considering the distance from and orientation to the neighbouring dwelling, screening effects of existing shrubbery along the mutual boundary and due to the opportunity to install screen fencing, there would not be an adverse impact on neighbouring residential amenity due to overlooking or overshadowing, and the level of light emission would not be significant being similar to that omitted from existing properties.

10.22. The stables are situated a reasonable distance from the nearest residential property and any manure store can be located in a suitable location to prevent nuisance issues arising. The site is large enough to comfortably accommodate the house, stables, parking, and access. Despite the assertion of an objector in considering the scale of the proposed single storey dwelling and significant distance back from the B-Listed Ampherlaw which sits uphill from the site, any impact upon the setting of the Listed Building would be negligible. The installation of suitable drainage should be achievable. The proposal is therefore broadly satisfactory in terms of SLLDP2 Policies 5 and GBRA1.

- 10.23. NPF4 Policy 14 Design Quality and Place intends to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the place principle. The six qualities necessary for a successful place are that it be Healthy, Pleasant, Connected, Distinctive, Sustainable and Adaptable. Adequate plans have been submitted which have allowed the proposal to be fully assessed.
- 10.24. The quality of place that is least represented by this proposal is that of a Connected Place. The creation of a traffic generating use in a location that is over 5km from the nearest settlements and which will be specifically marketed to the owners of private vehicles does not support well connected networks at a local level and would not serve to reduce car dependency. The proposal is therefore considered to fail to demonstrate the qualities of a connected place and is therefore contrary to NPF4 Policy 14.
- 10.25. NPF4 Policy 15 – Local Living and 20 minute neighbourhoods seeks to create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by using sustainable transport options.
- 10.26. The site is located a significant distance from the nearest settlement and is not connected to a bus route. Therefore, in terms of accessing daily and weekly needs, any future occupiers would be dependent on car use. Encouraging new homes within the designated rural area, leads to sprawled out, unconnected residential areas lacking facilities and services that this policy is designed to avoid. The development would run directly contrary to the policy intent, namely, to create connected and compact settlements and mixed-use neighbourhoods. As such, the proposal is not considered compatible with the intent of NPF4 Policy 15.
- 10.27. Natural and Historic Environment
NPF4 Policy 3 Biodiversity under part (c) details that all local developments shall include appropriate measures to conserve, restore and enhance biodiversity. The Development with Nature Guidance is pertinent in this case. The guidance encourages a mitigation hierarchy to be applied – avoid, minimise, restore, and offset to achieve a net positive biodiversity impact.
- 10.28. One of the most significant concerns arising from this application, as expressed by objectors, relates to the removal of a line of mature trees, along the site frontage, prior to the submission of the planning application. Many of the objectors believe this was done by the applicants to remove potential access and visibility impediments. The applicants have stated that they were advised by a tree surgeon that the trees were structurally compromised and represented a potential safety hazard owing to their proximity to a public road. Notwithstanding the above, it should be stressed that the trees were not protected and, as such, the applicants have not infringed any planning legislation by removing them. The planning assessment is restricted to considering the character and condition of the site at the time of the planning submission and cannot take account of previous tree or habitat coverage.
- 10.29. The agricultural grassland on site lacks biodiversity value or interest and is not an important habitat for protected species. The existing sycamore on the front boundary will be retained and said boundary will be enhanced with the planting of 8 new trees (3m high Chestnuts and 2m high Rowan – these are standard/ advance standard trees at an advanced state of maturity for new planting) and to the front of these trees a native hedgerow, comprising Hawthorn and Blackthorn, will be established along the full site frontage. Therefore, the proposal accords with NPF4 Policy 3.

10.30. Rural Development and Tourism

NPF4 Policy 29 Rural Development states: Development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including: (i) farms, crofts, woodland crofts or other land use businesses, where use of good quality land for development is minimised and business viability is not adversely affected; (ii). diversification of existing businesses; (iii). production and processing facilities for local produce and materials, for example sawmills, or local food production. It also states that proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location.

10.31. The proposed development, a bed and breakfast, is not a land use identified in section a) of Policy 29, nor does it consider how it will contribute towards local living or the transport needs of the development as appropriate for the rural location. That being said, equestrian businesses could generally be considered as appropriate rural development depending on the location and the nature of the equestrian development proposed.

10.32. NPF4 Policy 30 Tourism states: Proposals for tourism related development will take into account: (i). The contribution made to the local economy; (ii). Compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors; (iii). Opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services, particularly in rural areas.

10.33. The proposal will provide an income for those running the business and the visitors attracted to the local area could potentially contribute to the local economy. Access arrangements and parking provision have taken account of anticipated visitor numbers, however, it is undeniable that this business in this location will be entirely reliant on travel by private vehicle to operate. Nevertheless, roads have not objected subject to recommended conditions. Therefore, the proposal generally accords with NPF4 Policy 30.

10.34. SLLDP2 Policy 6 'Visitor Economy and Tourism' states 'The provision of new, high quality visitor attractions, activities, facilities, infrastructure and accommodation, and the safeguarding and maintenance of existing features will be supported where they are shown to positively contribute towards the visitor economy. Proposals will be expected to demonstrate they are sustainable and viable by focusing on the visitor demographic attracted to the locality and showing how this has influenced the proposal. All development shall respect the area's natural, built, and cultural resources and be accessible to all users. Suitable access and car parking provision is required to be incorporated into proposals. SLLDP2 Policy VET2 'Visitor Accommodation' states: 'Proposals for new visitor accommodation and extensions to existing accommodation shall be supported where they respect the existing development pattern within the locality and avoid dispersed patterns of development and visually integrate well with the location of the site and surrounding area. The form and type of accommodation proposed should be tailored, where appropriate, to suit the proposed visitor demographic for which it is targeted: for example, outdoor pursuits may be more suited to bunkhouse accommodation. In all cases a business plan showing the need for the accommodation and financial viability of the proposal should be provided. The continuous occupation of new tourist accommodation in the countryside will be controlled by planning condition(s) to ensure it is not occupied on a permanent residential basis.'

10.35. The proposed business model is tailored to providing short stay visits for people travelling long distances with horses who need to break their journeys in the interests of animal welfare. The proposal involves the construction of a dwellinghouse with provision for 3 letting rooms (one family room and two doubles, all with ensuite facilities), stables, turn out/grazing area to meet the British Horse Society 'Horse Welcome' Scheme. The initial construction costs would be covered by savings and the sale of the applicants' existing house. Taking account of projections, the supporting Business Plan demonstrates that room and stabling letting would likely generate a modest income. Any projected income cannot be guaranteed and it should be noted that this policy standard is different from that set out in the GBRA policies above. Consequently, the proposal complies with SLLDP2 Policies 6 and VET2.

10.36. Conclusion

In summary, taking all the above into account, whilst the principle of visitor accommodation for people travelling with horses is acceptable, the inclusion of a permanent residential dwelling at this location, before the business is even operational and proven to be viable is premature. As such, the proposed development fails to adhere to the provisions of the development plan, with specific regard to Policies 14, 15, 16 and 17 of NPF4 (adopted 2023) and Policies 4, GBRA2, GBRA9 and GBRA10 of the South Lanarkshire Local Development Plan 2 (adopted 2021) and there are no material considerations which would outweigh this variance with the development plan. In view of this, the recommendation is that the application be refused planning permission.

11. Recommendation and Reasons

11.1. The Committee is asked to agree the following recommendation:-

Refuse planning permission for the following reasons:-

01. The proposal would be contrary to Policy 17 - Rural homes of National Planning Framework 4 as new homes in rural areas are not supported in unsuitable locations. The proposed location for the new dwellings does not meet any of the criteria to be considered suitable and, as such, cannot be supported.
02. The proposal would be contrary to Policy 15 - Local Living and 20 minute neighbourhoods of National Planning Framework 4 as it fails to create connected and compact settlements and mixed-use neighbourhoods.
03. The proposal would be contrary to Policy 16 - Quality Homes of National Planning Framework 4 as the proposal is not consistent with the policy on rural homes.
04. The proposal would be contrary to Policy 4 (Green Belt and Rural Area) of the South Lanarkshire Local Development Plan 2 as it would constitute an inappropriate form of development, without appropriate justification.
05. The proposed residential dwelling on the site would be contrary to Policy 14 design, quality and place of National Planning framework 4 as it fails to demonstrate the characteristics of a connected place.
06. The proposed residential dwelling on the site would be contrary to Policy GBRA9 (Consolidation of Existing Building Groups) of the South Lanarkshire Local Development Plan 2 as it would constitute an inappropriate form of development, without appropriate justification. The proposal would extend the building group beyond the existing boundary of the group into greenfield/agricultural land.

07. The proposal would be contrary to Policy GBRA2 (Business Proposals within Green Belt and Rural Area) of the South Lanarkshire Local Development Plan 2 as the proposed visitor accommodation would be located within the confines of a new dwellinghouse which would have to be built prior to the business being established and proven to be viable.
08. The proposal would be contrary to Policy GBRA10 (Accommodation Associated with an Existing or Proposed Rural Business) of the South Lanarkshire Local Development Plan 2 as the proposed business has still not been established and proven to be viable.

David Booth
Executive Director (Community and Enterprise Resources)

Date: 22 April 2024

Background Papers

Further information relating to the application can be found online:-

[P/22/0477 | Erection of single storey dwellinghouse with attic accomodation \(4 bed \(including three guest bedrooms\)\) and stabling for a maximum of 3 horses associated with the establishment of a bed and breakfast facility. | Land At Westsidewood Road Carnwath Lanark](#)

Corporate Considerations

The report raises no impacts or risks in terms of equalities or financial implications. Any implications in terms of climate change, sustainability or the environment will have been considered above in terms of the relevant national and local policies.

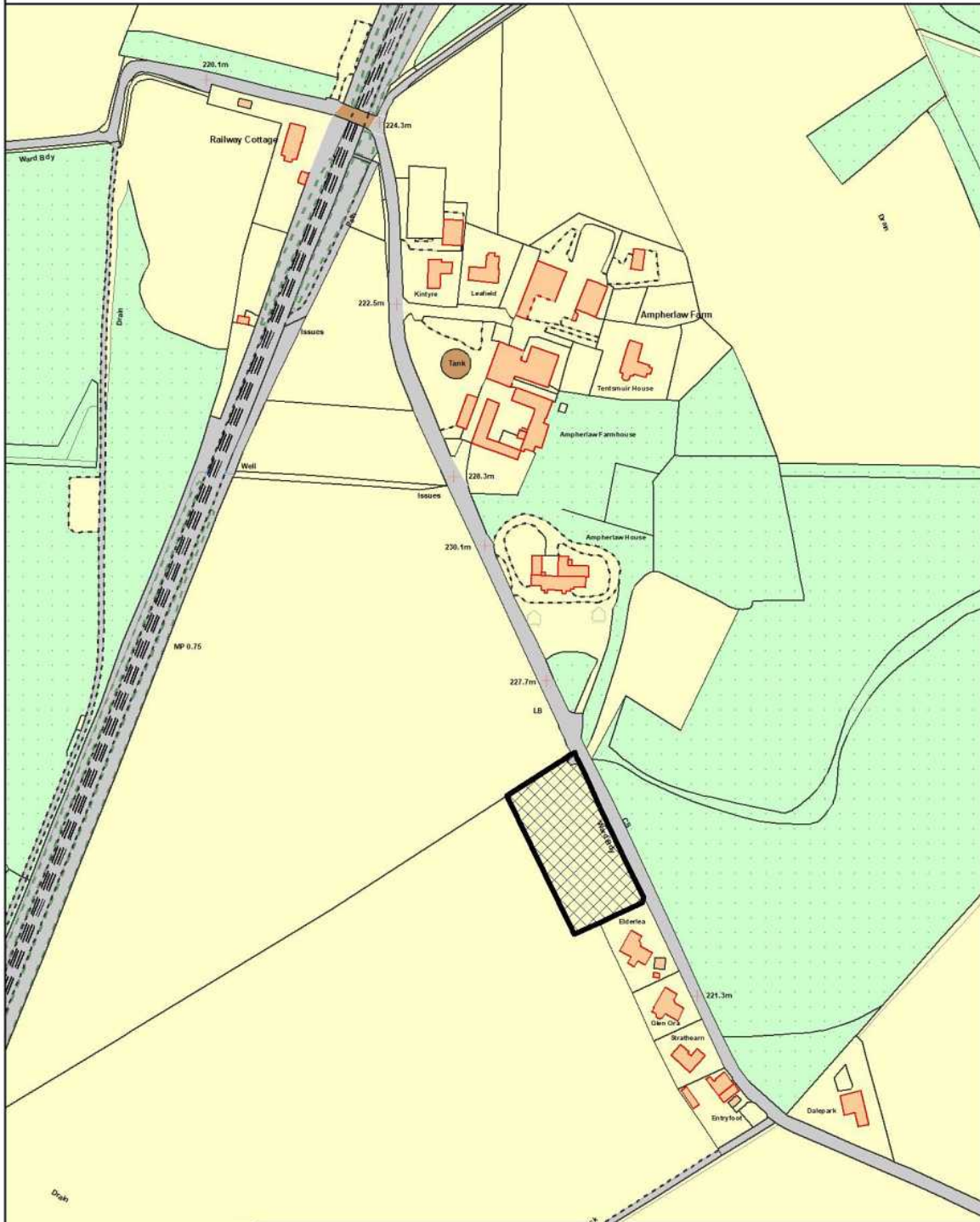
Contact for Further Information

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

Tel: 01698 454867

E-mail: planning@southlanarkshire.gov.uk

P/22/0477 Land 71m NNW of Elderlea, Westsidewood Road, north of Carnwath



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Scale:
1:3,000
Date:
08/04/2024



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

Report

6

Report to:	Planning Committee
Date of Meeting:	30 April 2024
Report by:	Executive Director (Community and Enterprise Resources)

Reference no:	P/23/1383
Proposal:	Erection of neighbourhood centre development incorporating multi-use community facility, nursery, retail/business/commercial units, medical facility, indoor/outdoor fitness facility, community gardens, local hybrid energy facility and solar EV charging with associated access and landscaping (Permission in Principle)
Site Address:	Land Between Bystone Cottage and White Gables Peel Road Thorntonhall G74 5AG
Applicant:	Messrs Paterson Partners
Agent:	Stuart MacGarvie - MacGarvie & Co Ltd
Ward:	09 East Kilbride West
Application Type:	Planning Permission in Principle
Advert Type:	Schedule 2: East Kilbride News 06 December 2023
Development Plan Compliance:	No
Departures:	Yes
Recommendation:	Refuse
Legal Agreement:	N/A
Direction to Scottish Ministers	N/A

1. Reason for Report

- 1.1. This application must be presented to the Planning Committee for determination as it has received more than 5 objections, as detailed in paragraph 3.5 (b) of the approved South Lanarkshire Council Planning Application Decision Making Process April 2015.

2. Site Description

- 2.1. The application site relates to a strip of land between Bystone Cottage and White Gables at Peel Road, Thorntonhall. The site extends to approximately 0.6 hectares and is designated as Green Belt within the South Lanarkshire Local Development Plan 2 (adopted 2021). The majority of the site is grassland, with a section of the site having been used previously as a riding arena. The site is bounded to the south and south-east by mature woodland, to the south-west by residential properties, to the north-east by Bystone Cottage, and to the north-west by Peel Road which sits opposite the grounds of the property known as Bystone.
- 2.2. The site is roughly rectangular in shape with a gentle incline from north-east to south-west. The frontage of the site faces onto Peel Road and contains an established hedgerow, mature trees and a grass verge. It is noted that a large section of this hedging has recently been removed.

3. Description of Proposed Development

- 3.1. Planning Permission in Principle (PPiP) is sought for the erection of a neighbourhood centre development incorporating multi-use community facility, nursery, retail/business/commercial units, medical facility, indoor/outdoor fitness facility, community gardens, local hybrid energy facility and solar EV charging with associated access and landscaping. As the application seeks planning permission in principle only, detailed plans have not been submitted, however, an indicative layout has been provided along with concept elevations.

4. Relevant Planning History

- 4.1. In 2020, the site formed part of a larger application site that was proposed for residential development under planning application P/20/0502. This was subsequently withdrawn.

5. Supporting Information

The following information was submitted by the applicant in support of the application:-

- 5.1. Economic Report and Executive Summary - these documents aim to provide a socio-economic assessment of Thorntonhall at present and in the future and seek to provide rationale for the proposed development in terms of sustainable development.
- 5.2. Habitat Survey – this presents the findings of an ecological constraints survey and desk study of the site and includes a number of recommendations.
- 5.3. Infrastructure and Energy Report – this document presents the findings of a study of existing services within and adjacent to the application site to establish impact on existing infrastructure.
- 5.4. Photographic Aerial View – an aerial view of Thorntonhall indicating approximate walking times within specific radius.
- 5.5. Planning Statement – this document presents the applicants justification in support of the proposal.
- 5.6. Proposed Cycle Route – drawing indicating a proposed cycle route in Thorntonhall.

- 5.7. Possible sites within settlement boundary map – this map indicates alternative sites within Thorntonhall that were considered and discounted.
- 5.8. South Lanarkshire Council (SLC) Public Bodies Climate Change Annual Duties Report 2022/2023 – this is a Council prepared document that the applicant requested be included as part of the application submission.
- 5.9. Traffic Statement – this document presents the findings of an assessment of the proposal in relation to car journeys and CO2 emissions and includes a traffic survey report.

6. Consultations

- 6.1. Environmental Services - no objections to the proposal subject to the attachment of conditions in relation to noise, floodlighting and dust monitoring.
Response: Noted.
- 6.2. Jackton and Thorntonhall Community Council - object to the proposal and consider it contrary to various policies within National Planning Framework 4 and South Lanarkshire Local Development Plan 2. The response also states that the development would result in visual intrusion, poses layout and road safety issues, is not justified in terms of economic benefit or sustainable development, and the response notes that the majority of residents within Thorntonhall oppose the proposal. They consider that the proposal results in a loss of Green Belt, loss of trees, loss of habitat and impacts on biodiversity, and raises a number of road safety and operational issues, located remotely from the rail station and footpaths, and considers that the 20-minute neighbourhood case does not justify the environmental impacts resulting.
Response: Noted. The Planning Service consider the proposal contrary to both NPF4 and SLLDP2 which will be detailed in the assessment and conclusions section below. In terms of local residents' objections to the proposal, this is noted.
- 6.3. Roads Development Management - object to the proposal as it does not provide sufficient parking to support the scale of development proposed, and the junction design does not comply with the National Roads Development Guide. Further information with regards to servicing arrangements and footway connections are also required.
Response: Noted.
- 6.4. Roads Flood Risk Management - no comments.
Response: Noted.
- 6.5. Scottish Water - no objections to the planning application, however, note that a formal connection application requires to be submitted to Scottish Water for assessment.
Response: Noted.
- 6.6. SP Energy Networks – no objections to the proposal, noting apparatus in the vicinity.
Response: Noted.
- 6.7. West of Scotland Archaeology Service (WOSAS) – no objections subject to the attachment of a condition requiring the implementation of a programme of archaeological works.
Response: Noted.

7. Representations

7.1. Following the statutory period of neighbour notification and advertisement, a total of 892 representations have been received (324 objections, 566 support, 2 comments). The issues raised in objections are summarised as follows:-

7.2. Objections:-

Principle of Development

- ◆ Results in loss of Green Belt; contrary to SLLDP2 and NPF4
- ◆ Vast majority of residents do not support the proposal and consider it unnecessary
- ◆ Overdevelopment of site
- ◆ Already existing amenities within 20 minute walking distance at Busby, Carmunnock, East Kilbride
- ◆ Alternative locations for proposal exist such as old station and tennis club, noting a new community hub already exists within the tennis club
- ◆ Properties requiring EV chargers already have them and there is an existing EV charging station at a nearby garage in East Kilbride, therefore this proposal will only encourage traffic into village to use facility
- ◆ Transport Report only considers Thorntonhall residents' journeys, but not journeys that might result from development attracting people outwith village
- ◆ Proposal aims to reduce car journeys but will only attract people outwith village which defeats the purpose
- ◆ Business case is flawed as success of proposal relies on attracting people outwith Thorntonhall
- ◆ Planning statement and Economic Impact Analysis are one sided and lack balance
- ◆ No demand for nursery within the village noting a previous venture for nursery in the village failed
- ◆ Would spoil the entrance to Thorntonhall
- ◆ Sustainable retail requires to be located close to sustainable transport

Impact on Natural and Historic Environment

- ◆ Will result in the loss of habitats for various wildlife
- ◆ Loss of trees including sections of the hedgerow already removed

Roads Related Matters

- ◆ Road safety implications of increased traffic and parking on an already busy and narrow road
- ◆ Thorntonhall is already used as a through-route from new Jackton residential developments which will be exacerbated
- ◆ Current infrastructure not suitable and lack of pavement at development to safely access site
- ◆ Lack of public transport

Technical Matters

- ◆ Noise/disturbance for local residents near site
- ◆ Current drainage issues at site and potential flooding

Other Matters Raised

- ◆ Proposal will bring in by-passers which may create congestion, litter issues and anti-social behaviour
- ◆ Will reduce value of properties

7.3. Support:-

Benefits for Community

- ◆ Facilities proposed provide a good mix for local community and visitors
- ◆ Improve quality of life for residents, particularly elderly and young persons
- ◆ Provision of toilet facilities for walkers/cyclists
- ◆ Improved wheelchair access for disabled/elderly residents and visitors

Economy

- ◆ Would benefit surrounding areas and create jobs
- ◆ May provide jobs to those affected by partial closure of EK shopping centre
- ◆ Will support local economic growth

Sustainability

- ◆ Charging forecourt will create a greener village and help address climate emergency, including reducing emissions and enhancing biodiversity
- ◆ NPF4 supports 20 minute neighbourhood provision
- ◆ Re-use of a partial brownfield site/gap site
- ◆ Supporting documents advise 540,000 miles will be saved each year as a result

Design and Layout

- ◆ Attractive design, adequate size, high quality materials
- ◆ The only site in village suitable for this development
- ◆ Provides an adequate frontage and access

Other Points Noted

- ◆ Would reduce fly tipping on the site
- ◆ Will allow invasive species on the site to be treated and rubbish removed

7.4. Comments:-

- ◆ Proposed development should be finished to a high standard reflective of the concept plans
- ◆ EV chargers must be fast charging

The above issues will be considered in the assessment below and full copies are available to view on the planning portal.

8. Development Plan

8.1. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2. National Planning Framework 4

National Planning Framework 4 (NPF4) is Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments, and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places, and productive places.

National Planning Framework 4 Policies

- ◆ Policy 1 - Tackling the climate and nature crises
- ◆ Policy 2 - Climate mitigation and adaptation
- ◆ Policy 3 – Biodiversity
- ◆ Policy 6 – Forestry, woodland and trees

- ◆ Policy 8 – Green belts
- ◆ Policy 9 – Brownfield, vacant and derelict land and empty buildings
- ◆ Policy 13 – Sustainable transport
- ◆ Policy 14 - Design, quality and place
- ◆ Policy 15 - Local living and 20-minute neighbourhoods
- ◆ Policy 22 - Flood risk and water management
- ◆ Policy 26 – Business and industry
- ◆ Policy 28 - Retail

8.3. South Lanarkshire Local Development Plan 2 (2021)

For the purposes of determining planning applications the Council will also assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan (SLLDP2). In this regard the application site and associated proposals are affected by the following policies:-

SLLDP2 Volume 1 Policies

- ◆ Policy 1 – Spatial Strategy
- ◆ Policy 2 - Climate Change
- ◆ Policy 4 – Green Belt and Rural Area
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 10 – New Retail/Commercial Proposals
- ◆ Policy 14 – Natural and Historic Environment
- ◆ Policy 15 - Travel and Transport
- ◆ Policy 16 - Water Environment and Flooding

SLLDP2 Volume 2 Policies

- ◆ Policy DM1 - New Development Design
- ◆ Policy GBRA1 - Rural Design and Development
- ◆ Policy GBRA2 – Business Proposals within Green Belt and Rural Belt
- ◆ NHE9 - Protected Species
- ◆ NHE13 - Forestry and Woodland
- ◆ NHE20 - Biodiversity

South Lanarkshire Council (SLC) Supporting Planning Guidance

- ◆ None applicable

9. Guidance

9.1. None applicable.

10. Assessment and Discussion

10.1. Introduction

Planning Permission in Principle is sought for the erection of a neighbourhood centre development incorporating a multi-use community facility, nursery, retail, business, and commercial units, a medical facility, an indoor/outdoor fitness facility, community gardens, a local hybrid energy facility and solar EV charging with associated access and landscaping on land between Bystone Cottage and White Gables, Peel Road, Thorntonhall.

10.2. The main issues to be addressed in the determination of this application include the acceptability in principle of the proposed development, its siting, and an assessment of technical matters. As this is an application for planning permission in principle, the indicative layout and design is not considered as part of this application and would be subject to a future application(s). The policies contained within National Planning Framework 4 and the South Lanarkshire Local Development Plan 2 are the main

consideration in this case, together with an assessment of any other material planning considerations.

10.3. Principle of Development

The site is located within the designated Green Belt. NPF4 Policy 8 – Green belts sets out the types of development that may be supported in the Green Belt. Should a development fall within one of these categories, it also requires to demonstrate a specific locational need; that it would not undermine the purpose of the Green Belt; it is compatible with the surrounding established countryside and landscape character; has been designed to ensure it is of an appropriate scale that minimises visual impact; and there will be no significant long-term impacts on the environmental quality of the Green Belt.

10.4. The proposal is for the erection of a neighbourhood centre which the applicant advises will assist Thorntonhall becoming a more sustainable place to live and work. A variety of uses are proposed, and the applicant has submitted various supporting documents which form the justification for the proposal. The information submitted notes that the site is within the Green Belt, but that it should be considered as a gap site and a brownfield site. It sets out that the site is suitably positioned to serve residents and complies with the 20-minute walking distances to amenities which NPF4 advises makes for a sustainable place to live. It suggests that provision of such a facility to serve local residents would significantly reduce private vehicle trips and make considerable savings in carbon emissions, helping the Council achieve emissions targets. The supporting documents state that the proposal would provide a number of jobs, supporting sustainable socio-economic development, and a plan has been submitted indicating alternative sites that were discounted for the proposal.

10.5. As noted, development in the Green Belt must fall under one of the criteria listed within the policy - in this case, the proposal fails to meet or satisfy any of the defined criteria. In addition, proposals that fall within an accepted category must comply with a further set of cumulative criteria demonstrating why the development is essential to that location. While it is recognised that there are limited facilities within Thorntonhall, there is an existing community hub within the tennis club used by the local community. The applicant's plan of alternative sites within the settlement boundary that have been discounted does not detail why a Green Belt location is essential other than lack of availability within the settlement boundary, therefore, no robust justification for the green belt location has been provided. The Council does not consider this sufficient justification to deviate from the development plan and permit development within the designated Green Belt. The proposal is not required for any of the purposes set out in Policy 8 and, therefore, there is no specific locational requirement for the development to be located in the Green Belt. The proposal is therefore considered to be contrary to Policy 8 of NPF4.

10.6. In terms of SLLDP2, Policy 1 - Spatial Strategy, this states that the local development plan (LDP) will encourage sustainable economic growth and regeneration, protect and enhance the built and natural environment and move towards a low carbon economy. Policy 4 - Green Belt and Rural Area of SLLDP2 also applies stating support will not be given for development proposals within the countryside, unless they relate to uses which must have a countryside location. The development is not required for any of the purposes set out in Policy 4 and, therefore, there is no specific locational need for the development to be located in the Green Belt. Policy GBRA1 - Rural Design and Development of SLLDP2 sets out a number of criteria which developments in the Green Belt require to comply with. As set out above, there is no specific locational need for the development to be located in the Green Belt. The applicant advises that the site should be considered as a gap site under SLLDP2, however, this policy relates

to dwellings and is not applicable in this case. Furthermore, the proposal does not satisfy any criteria for new business proposals within the green belt under Policy GBRA2 of the SLLDP2, and therefore cannot be supported in principle. The proposal is therefore considered to be contrary to Policies 1, 4 and GBRA1 and GBRA2 of SLLDP2.

- 10.7. Objections received have noted the proposal is within the Green Belt, contrary to the development plan, and consider that approval of development within the Green Belt that does not fall within an accepted development type would set an unwanted precedent and loss of Green Belt here would change the rural character of the area.
- 10.8. NPF4 Policy 15 - Local living and 20-minute neighbourhoods seeks to create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling, or using sustainable transport options. In this case, the applicant considers that provision of the neighbourhood centre would allow Thorntonhall to comply with this policy. This has been reiterated in letters of support which note a good mix of uses would be provided and that this would improve the quality of life for local residents, making the village more liveable. It is inclusive by the provision of wheelchair access and toilet facilities and promotes walking and cycling. Objections received consider that there is no requirement for the proposal as there are a variety of amenities within walking distance from nearby settlements, noting the majority of properties within the settlement have gardens and EV parking, where required, and therefore provision of these at a community facility would only encourage users from outwith the settlement. The Community Council also note that access to nearby settlements such as East Kilbride and Busby can be accessed on the existing train route.
- 10.9. Whilst the proposal would provide a number of facilities for residents, this in itself is not sufficient justification for development within the Green Belt and does not outweigh the policy presumption against development in the Green Belt. The proposed site is not adjacent to any public transport links. Whilst Thorntonhall has a train station, there is one train per hour, and only one bus stop within the settlement. There are no footway connections on the side of Peel Road where the development is proposed to allow easy access for pedestrians. It is therefore considered that the proposal would likely encourage car usage. Therefore, whilst the proposal would provide a number of facilities, its location in terms of access is not suitable. The proposal is therefore considered contrary to Policy 15 of NPF4.
- 10.10. NPF4 Policy 9 – Brownfield, vacant and derelict land and empty buildings seeks to promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development. The policy further advises that proposals on greenfield sites will not be supported unless the site has been allocated for development. Whilst the applicant considers that part of the site should be considered as brownfield given its previous use as a riding arena, as do letters of support, this policy is not applicable for sites within the Green Belt. The proposal could not be justified on this basis.
- 10.11. New Retail Development
NPF4 Policy 28 – Retail aims to encourage and promote retail to the most sustainable locations that are most accessible by a range of sustainable transport modes. It further advises small scale neighbourhood retail development will be supported if the proposal contributes to local living, including 20-minute neighbourhoods, and can be demonstrated to contribute to health and wellbeing of the local community. SLLDP2 Policy 10 – New Retail/Commercial Proposals lists specific criteria that proposals of

this nature must comply with including promoting sustainable development and taking account of development location and accessibility.

- 10.12. The proposal includes a variety of uses advising up to 75 jobs could be created, though notes these may not be new jobs as they could include displacement from other locations. Objections have noted that the outlets proposed are unviable and there is a lack of demand, specifically referencing a failed attempt for a nursery within the village in recent years. Objections note that the supporting economic documents are one sided, lacking balance, and that the proposal would encourage users from outwith the village suggesting a flawed business case. Letters of support highlight job creation that the proposal may bring, supporting local economic growth.
- 10.13. Whilst jobs would be created, the extent of this is unclear given that the application seeks planning permission in principle only. Notwithstanding this, the site is not easily accessible by regular public transport or by public footway. Contribution to health and wellbeing have not been demonstrated. Whilst the proposal indicates new walking and wheeling routes, these are outwith the application site boundary. It is therefore considered the proposal does not comply with Policy 28 of NPF4 or Policy 10 of SLLDP2.
- 10.14. In terms of new business proposals, Policy 26 of NPF4 supports new business and industry proposals on sites allocated within the LDP. This site is not allocated, and is outwith the settlement boundary, deeming it unacceptable in principle in terms of its location. It fails to accord with any criteria as it is not considered a compatible development.
- 10.15. Climate Change
NPF4 Policy 1 - Tackling the Climate and Nature Crises and NPF4 Policy 2 - Climate Mitigation, along with Policy 2 of SLLDP2, aim to ensure that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. It is noted that part of the intention of this proposal would be to reduce car journeys, and therefore emissions as facilities would be provided within the settlement reducing this requirement. To facilitate this proposal, it would require the loss of established Green Belt which is contrary to the intentions of this policy. In addition, upon review of the representations submitted, it would suggest that the development appeals more to those outwith the settlement than those residing within which has the potential to encourage more journeys into the settlement, rather than reducing. It is considered that the principle of the development is contrary to Policies 1 and 2 of NPF4 and Policy 2 of SLLDP2.
- 10.16. Trees and Biodiversity
NPF4 Policy 6 - Forestry, woodland and trees advises proposals that enhance, expand and improve woodland and tree cover will be supported and those that result in the loss of ancient woodlands, native woodlands, hedgerows and individual trees of high biodiversity value will not be supported. Similarly, Policy NHE13 - Forestry and Woodland of SLLDP2 seeks to protect and enhance ancient woodland, other woodlands, hedgerows and individual trees. NPF4 Policy 3 – Biodiversity and NHE 20 of SLLDP2, aim to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. NHE9 - Protected Species also seeks to ensure no harm results to protected species.
- 10.17. Objections received note the loss of trees, recent removal of part of the hedgerow fronting Peel Road and impact on wildlife. It is noted the proposal intends to retain existing trees, which is noted in support. A section of the established hedgerow fronting the site has already been removed. An ecological constraints survey was

submitted concluding a number of further surveys, and biodiversity enhancement measures would require to be undertaken and incorporated as part of a detailed application process. While the Planning Service would have concerns in terms of biodiversity and tree loss, given the value of the woodland at this location and its habitat offering, this would be assessed in detail at a future Matters Specified in Conditions (MSC) stage and therefore would not form a reason for refusal at this stage.

10.18. Layout, Siting and Design

NPF4 Policy 14 - Design, quality and place aims to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle. It sets out six qualities of successful places, including whether the development is connected and sustainable. As this is an application for Permission in Principle, the design shown in the plans is indicative only at this stage and cannot be assessed. The erection of development on land within the green belt, contrary to the policy designed to preserve the green belt, is not considered to be characteristic of a sustainable place. Given its location to the northeast of the settlement where there are limited footway connections, and a lack of public transport connections, the proposal is also not considered to be fully connected and would likely result in users driving to it. It is considered that this proposal is contrary to Policy 14 of NPF4.

10.19. SLLDP2 Policy 5 – Development Management and Placemaking advises that to ensure development takes account of the principles of sustainable development, all proposals require to be well designed and integrated with the local area. Proposals should have no significant adverse impacts on the local community and the environment. Where appropriate, proposals should include measures to enhance the environment. Policy DM1 – New Development Design of SLLDP2 also requires development to promote quality and sustainability in design and layout.

10.20. As outlined above, the layout and design of the proposal have not been assessed as this application is for Permission in Principle only. Objections raised consider the proposal to be overdevelopment of the site and would impact the entrance into the village. Letters of support consider the proposal an attractive design with quality materials. These matters would be assessed under a detailed application. The Council's Roads Development Management section have objected to the application as the proposed junction design does not comply with standards, and there is insufficient parking based on the breakdown of proposed uses and expected floor areas. While indicative plans have been provided the detailed impact of the proposed development upon adjacent residential amenity would be considered further at MSC stage. Overall, the proposal is therefore contrary to Policies 5 and DM1 of SLLDP2.

10.21. Technical Matters

SLLDP2 Policy 15 – Travel and Transport is applicable in terms of road safety and impact on the road network and requires all new developments to consider the impact of traffic growth. A number of traffic concerns have been raised by objectors in relation to increased traffic, insufficient infrastructure, in terms of road width and lack of footways, and insufficient parking on site. It has been noted through objections received that the Transport Report does not consider journeys that would result from the development attracting users outwith the village. Whilst the report has been reviewed, Roads Development Management note that the projections of vehicle trips saved and the reduction in CO2 generated that could be achieved by providing walkable amenities are a best-case scenario, relying on a number of assumptions within the report being achievable. Whilst letters of support have highlighted the reduced carbon footprint and the number of miles predicted to be saved each year that may help the Council achieve emissions targets, Roads consider that the proposal

would provide an opportunity for residents to walk, but that travel would still occur by car and that additional trips would still be generated from users outwith the settlement, as well as from staff working at the centre. As such, it is unlikely the savings projected would be to the extent predicted.

10.22. Notwithstanding the above, Roads have objected to the proposal due to insufficient junction design and lack of parking. They further note that the proposal would require the provision of a 3-metre-wide combined footway/cycleway connecting to the existing network, amongst other requirements. As a PPIp application, detailed plans have not been submitted, therefore, it is unclear at this stage if this would be achievable. Given the parking and junction issues, the proposal must also be considered contrary to Policy 15 of SLLDP2.

10.23. NPF4 Policy 13 - Sustainable Transport aims to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport or everyday travel and reduce the need to travel unsustainably. The intention of this development is to comply with this, and the proposal intends to provide solar EV charging, the application site is not well linked by public transport or footway connections and due to its location, would likely encourage users to drive to it, a point also noted in objections. Given this, it conflicts with the intentions of the proposal which is also considered contrary to Policy 13 of NPF4.

10.24. NPF4 Policy 22 - Flood Risk and Management and SLLDP2 Policy 16 - Water Environment and Flooding aims to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. Concerns regarding flooding and current drainage issues at the site have been raised. This is an application for Permission in Principle only, therefore, detailed flooding and drainage information has not been submitted.

10.25. Other Issues

Objections received refer to impact on residential properties in terms of noise, increased litter and possible anti-social behaviour issues. The Council's Environmental Services were consulted and raised no objection in relation to these matters. Points of support note that the proposal would reduce fly tipping and allow invasive species on the site to be treated. Whilst noted, this is not sufficient justification for the proposal. Furthermore, a reduction in value of existing properties has been raised in objection, however, this is not a valid planning consideration. Lack of consultation from the developer and the Council have also been noted. The Council is satisfied all appropriate neighbour notification, advertisement and consultations have been carried out. The scale of development is not classed as 'major' therefore there is no requirement for the applicant to carry out public consultation.

10.26. Conclusion

In conclusion, a full assessment of the proposal against the development plan has been carried out above. Whilst there is compliance with some aspects of the development plan, and some aspects that would be subject to further assessment under detailed applications, the application site is located in the Green Belt and there is no specific locational requirement for the proposal to be located in the Green Belt. The proposal is also not well enough connected for it to be considered a sustainable development, and there are further outstanding technical matters which deem it unacceptable. While a considerable amount of supporting information has been submitted with the application, no robust justification has been provided to allow the Planning Service to depart from national policy and, therefore, the proposal is considered unacceptable in principle. The proposal is contrary to Policies 1, 2, 8, 13,

14, 15, 26 and 28 of NPF4, and Policies 1, 2, 4, 5, 10, 15, DM1 and GBRA1 and GBRA2 of SLLDP2. It is therefore recommended that the application be refused.

11. Recommendation and Reasons

11.1. The Committee is asked to agree the following recommendation:-

Refuse Full Planning Permission for the reasons outlined below:-

01. The proposal is contrary to Policy 8 (Green belts) of National Planning Framework 4 as it does not meet the criteria listed in the policy for green belt development and therefore fails to encourage, promote and facilitate compact urban growth, and use the land around our towns and cities sustainably.
02. The proposal is contrary to Policy 1 (Spatial Strategy) and Policy 4 (Green Belt and the Rural Area) of the South Lanarkshire Local Development Plan 2 as the site is located in the Green Belt and there is no specific locational need for the proposed development to be located in the Green Belt.
03. The proposal is contrary to Policy GBRA1 (Rural Design and Development) and Policy GBRA2 (Business Proposals within Green Belt and Rural Area) of the South Lanarkshire Local Development Plan 2 as the site is located in the Green Belt and there is no specific locational need for the proposed development to be located in the Green Belt.
04. The proposal is contrary to Policy 5 (Development Management and Placemaking) of the South Lanarkshire Local Development Plan 2 as the development fails to provide adequate parking provision, the junction design does not comply with the National Roads Development Guide and the applicant has not provided sufficient information with regards to servicing arrangements and footway provision.
05. The proposal is contrary to Policy DM1 (New Development Design) of the South Lanarkshire Local Development Plan 2 as the development fails to provide adequate parking provision, the junction design does not comply with the National Roads Development Guide and the applicant has not provided sufficient information with regards to servicing arrangements and footway provision.
06. The proposal is contrary to Policy 15 (Travel and Transport) of the South Lanarkshire Local Development Plan 2 as the development fails to provide adequate parking provision, the junction design does not comply with the National Roads Development Guide and the applicant has not provided sufficient information with regards to servicing arrangements and footway provision.
07. The proposal is contrary to Policy 13 (Sustainable Transport) of National Planning Framework 4 as the site is not well linked by public transport or footway connections and due to its location, would likely encourage users to drive to it.
08. The proposal is contrary to Policy 14 (Design, Quality and Place) of National Planning Framework 4 as the erection of a development on land within the Green Belt, contrary to the policy designed to preserve the Green Belt, is not considered to be characteristic of a sustainable place.
09. The proposal is contrary to Policy 15 (Local Living and 20-minute neighbourhoods) of National Planning Framework 4 as the site is not well linked by public transport or footway connections and due to its location, would likely encourage users to drive to it.

10. The proposal is contrary to Policy 26 (Business and industry) of National Planning Framework 4 as the site is not allocated or considered compatible with the function of the area.
11. The proposal is contrary to Policy 28 (Retail) of National Planning Framework 4 as the site is not easily accessible by public transport or the public footway, and contribution to health and wellbeing have not been demonstrated.
12. The proposal is contrary to Policy 10 (New Retail/Commercial Proposals) of the South Lanarkshire Local Development Plan 2 as the site is not easily accessible by public transport or the public footway.
13. The proposal is contrary to Policies 1 and 2 (Tackling the climate and nature crises and Climate mitigation and adaptation) of National Planning Framework 4 as the proposal would require loss of established Green Belt.

David Booth
Executive Director (Community and Enterprise Resources)

Date: 22 April 2024

Background Papers

Further information relating to the application can be found online:-

[P/23/1383 | Erection of neighbourhood centre development incorporating multi-use community facility, nursery, retail/business/commercial units, medical facility, indoor/outdoor fitness facility, community gardens, local hybrid energy facility and solar EV charging with associated access and landscaping \(Permission in Principle\) | Land Between Bystone Cottage And White Gables Peel Road Thorntonhall G74 5AG \(southlanarkshire.gov.uk\)](#)

Corporate Considerations

The report raises no impacts or risks in terms of equalities or financial implications. Any implications in terms of climate change, sustainability or the environment will have been considered above in terms of the relevant national and local policies.

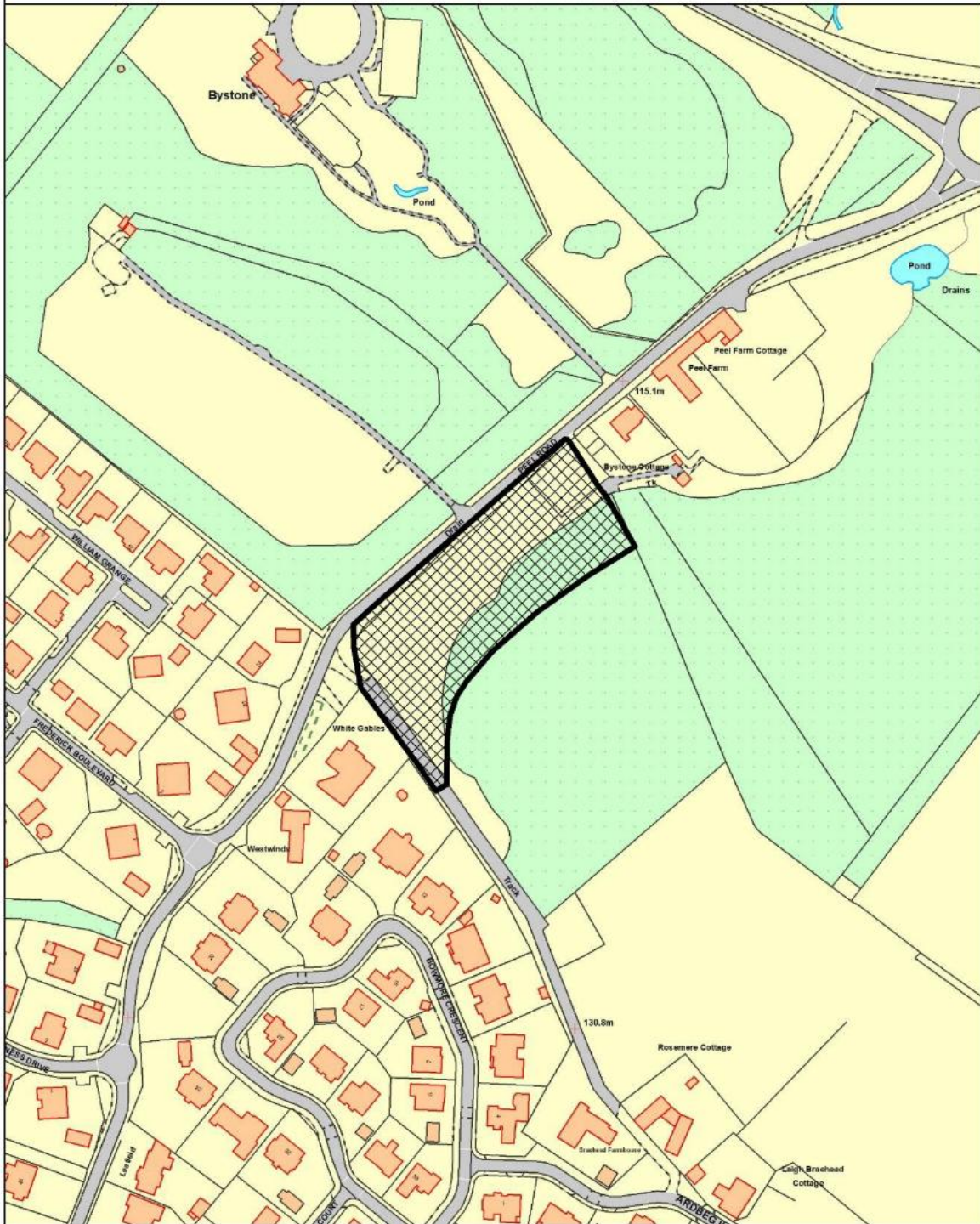
Contact for Further Information

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

Tel: 01698 454867

E-mail: planning@southlanarkshire.gov.uk

P/23/1383 Land between Bystone Cottage and White Gables, Thorntonhall



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Scale:
1:2,500
Date:
21/03/2024



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

Report

7

Report to:	Planning Committee
Date of Meeting:	30 April 2024
Report by:	Executive Director (Community and Enterprise Resources)

Reference no:	P/24/0010
Proposal:	Erection of 5 no. detached dwellinghouses, formation of vehicular access, parking and associated works
Site Address:	Land 75m west of The Manse Manse Road Stonehouse
Applicant:	Mr Charles Rock
Agent:	Stuart McKitting A D Plans Ltd
Ward:	05 Avondale and Stonehouse
Application Type:	Full Planning Permission
Advert Type:	Schedule 2 and Schedule 3: Hamilton Advertiser 25 January 2024
Development Plan Compliance:	No
Departures:	N/A
Recommendation:	Refuse
Legal Agreement:	N/A
Direction to Scottish Ministers	N/A

1. Reason for Report

- 1.1. As required by the approved South Lanarkshire Council Planning Application Decision-Making Process 2015, a request that this otherwise delegated application be determined by the Planning Committee was received from local ward member, Councillor Margaret Cooper and this was agreed by the Head of Planning and Regulatory Services and the Chair of the Planning Committee.

2. Site Description

- 2.1. The application site constitutes agricultural land in the designated Green Belt and is generally level, though it drops away towards the Avon River Valley. It is bound by agricultural land, the Avon Water and by the cemetery at St Ninian's Kirkyard. There are mature trees and hedgerows along the boundary of the site.

3. Description of Proposed Development

- 3.1. Planning permission is sought for the erection of 5 detached dwellinghouses, including the formation of a vehicular access, parking, landscaping and associated works at land 75m west of The Manse, Manse Road, north of Stonehouse.
- 3.2. The proposed dwellinghouses would be sited in a linear layout, fronting onto a proposed internal access road running northeast to southwest, accessed off Manse Road. Each dwellinghouse would accommodate a lounge/dining/kitchen, study, WC together with 4 bedrooms, an en-suite and a family bathroom. The properties would be finished in white render with stone base course and front features, and a slate roof. Each plot would include off-street parking provision and rear garden ground.

4. Relevant Planning History

- 4.1. A planning application (P/22/0531) for an identical proposal was refused in January 2023 under Delegated Powers.

5. Supporting Information

- 5.1. Planning Supporting Statement

6. Consultations

- 6.1. **Environmental Services** – No objection.
Response: Noted.
- 6.2. **Roads, Transportation and Fleet Services (Development Management)** – Object to the proposal commenting that the applicant has not demonstrated how the site would be accessed (including visibility splays). The proposals submitted do not indicate connections to existing footways to access local amenities and primary school for all age groups without reliance on private car trips. The proposals also fail to demonstrate arrangements for surface water/foul drainage and ongoing servicing/tanker access.
Response: Noted.
- 6.3. **Scottish Water** - No objections to the proposed development subject to Scottish Water Technical Approval.
Response: Noted
- 6.4. **West of Scotland Archaeology Service** - No objections to the proposed development subject to a condition being attached requiring a program of Archaeological Works and Written Scheme of Investigation.
Response: Noted

- 6.5. **Stonehouse Community Council** - Provided various comments relating to the physical characteristics of the site and surrounding area. Reference made to policies and the requirements that should be considered in the assessment of the planning application. Request that various conditions be imposed should planning permission be granted relating to roads, archaeology, land stability, and boundaries to the neighbouring listed site.
Response: Noted.

7 Representations

- 7.1. Following statutory neighbour notification and advertisement in the local press in respect of non-notification of neighbours and development potentially contrary to the development plan, 6 letters of representation have been received. The issues raised can be summarised as follows:-

- ◆ Massing and design not in-keeping with area.
- ◆ Noise from building work.
- ◆ Increase in vehicular and pedestrian traffic.

The above issues are considered in the assessment below and full copies are available to view on the planning portal.

Non-material planning considerations

- ◆ Loss of view.
- ◆ Depreciation in existing house prices.

8. Development Plan

- 8.1. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2. National Planning Framework 4

National Planning Framework 4 (NPF4) is Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments, and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places, and productive places.

National Planning Framework 4 Policies

- ◆ Policy 1 - Tackling the climate and nature crises
- ◆ Policy 2 - Climate mitigation and adaptation
- ◆ Policy 3 – Biodiversity
- ◆ Policy 6 - Forestry, woodlands and trees
- ◆ Policy 8 - Greenbelt
- ◆ Policy 14 - Design, quality, and place
- ◆ Policy 15 - Local living and 20-minute neighbourhoods
- ◆ Policy 16 – Quality homes
- ◆ Policy 17 – Rural homes

8.3. South Lanarkshire Local Development Plan 2(2021)

For the purposes of determining planning applications the Council will assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan 2 (SLLDP2). The application site and associated proposals are affected by the following policies contained in the SLLDP2:-

SLLDP2 Volume 1 Policies

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

SLLDP2 Volume 2 Policies

- ◆ Policy GBRA1 - Rural Design and Development
- ◆ Policy GBRA5 - Redevelopment of Previously Developed Land Containing Buildings
- ◆ Policy GBRA8 - Development of Gap Sites
- ◆ Policy GBRA9 - Consolidation of Existing Building Groups
- ◆ Policy SDCC4 – Sustainable Transport
- ◆ Policy DM1 - New Development Design
- ◆ Policy NHE2 - Archaeological Sites and Monuments
- ◆ Policy NHE3 - Listed Buildings
- ◆ Policy NHE16 - Landscape
- ◆ Policy NHE18 - Walking, Cycling and Riding Routes

9. Guidance

9.1. None

10. Assessment and Discussion

10.1. The applicant seeks detailed planning consent for the erection of 5 detached dwellinghouses, the formation of a vehicular access, parking, landscaping and associated works at land 75m west of The Manse, located at Manse Road, Stonehouse. The determining issues in the consideration of this application are its compliance with the development plan, which consists of National Planning Framework 4 (adopted 2023) and South Lanarkshire Local Development Plan 2 (adopted 2021).

10.2. Principle of Development

The site lies within the designated Green Belt, where Policy 8 – Green belts of NPF4 applies. This specifies that proposals for development in designated green belt areas will only be acceptable if they fall into one of the categories listed below:-

- ◆ development associated with agriculture, woodland creation, forestry and existing woodland (including community woodlands)
- ◆ residential accommodation required and designed for a key worker in a primary industry within the immediate vicinity of their place of employment where the presence of a worker is essential to the operation of the enterprise, or retired workers where there is no suitable alternative accommodation available
- ◆ horticulture, including market gardening and directly connected retailing, as well as community growing
- ◆ outdoor recreation play and sport or leisure and tourism uses; and developments that provide opportunities for access to the open countryside (including routes for active travel and core paths)
- ◆ flood risk management (such as development of blue and green infrastructure within a “drainage catchment” to manage/mitigate flood risk and/or drainage issues)

- ◆ essential infrastructure or new cemetery provision
- ◆ minerals operations and renewable energy developments
- ◆ intensification of established uses, including extensions to an existing building where that is ancillary to the main use
- ◆ the reuse, rehabilitation and conversion of historic environment assets
- ◆ one-for-one replacements of existing permanent homes

- 10.3. Policy 4 - Green Belt and Rural Area of the SLLDP2 also aims to protect the countryside from development which does not require to locate there. Under this policy, isolated and sporadic development will not be supported.
- 10.4. The proposed development of residential properties fails to meet any of the above listed criteria, and no specific locational need for the dwellings to be located in the green belt has been demonstrated. The site is not located between existing development. It would be considered to be sporadic development which does not result in significant and demonstrable visual and environmental benefits to the area. The proposal is considered to be contrary to Policy 8 of NPF4 and Policy 4 of the adopted local development plan.
- 10.5. Policy GBRA5 - Redevelopment of Previously Developed Land Containing Buildings, sets out a number of criteria which require to be met in respect of proposals for the redevelopment of sites. The proposed development site is not considered to be located on previously developed land containing buildings. Although there are a number of shipping containers and small agricultural field shelters on the site there are no significant buildings or remains of building structures to consider this a brownfield site. As set out below, the proposal would also have an adverse impact on the landscape character of the green belt as it does not respect the local landscape character and setting and does not integrate positively with the surrounding landscape. It is therefore considered that the proposal is contrary to Policy GBRA5 of the adopted local development plan.
- 10.6. Policy GBRA1 Rural Design and Development sets out a number of criteria which developments in the green belt require to comply with. The proposed development cannot be justified within the Green Belt. It is also considered that it would have an adverse impact on the landscape character of the Green Belt as it does not respect the local landscape character and setting. The proposal does not integrate positively with the surrounding landscape being located on the previously undeveloped side of Manse Road where it would be highly visible from the north on the upper edge of the River Avon Valley. It is considered that the proposal is contrary to Policy GBRA1 of the adopted local development plan.
- 10.7. Policy GBRA8 Development of Gap Sites, relates to sites which are considered to be within clearly identifiable gap sites. The site is not considered to be a clearly identifiable gap site not being bounded on at least two sides by habitable houses or buildings being bounded on three sides by open countryside and the kirkyard/cemetery. It is not considered to be located within a recognisable cohesive group of houses where it would not damage the character of the group or the wider countryside setting as set out in Policy GBRA9 Consolidation of Existing Building Groups as the proposal would extend development into undeveloped greenfield land. As set out above, the proposal would also have an adverse impact on the landscape character of the Green Belt as it does not respect the local landscape character and setting and does not integrate positively with the surrounding landscape. It is therefore considered that the proposal is contrary to Policies GBRA8 and GBRA9 of the adopted local development plan.

10.8. Climate Change and Biodiversity

NPF4 Policy 1 – Tackling the climate and nature crises advises that significant weight will be given to the global and nature crises when considering all development proposals. NPF4 Policy 2 – Climate mitigation and adaptation expands on this requiring all new developments to be sited and designed to minimise greenhouse gas emissions as far as possible, and to adapt to current and future risks for climate change. The development is proposed on previously undeveloped land out with the settlement boundary and is not considered sustainable development as it will increase emissions by encouraging vehicular travel, is remote from services and facilities and would require occupants to travel by private vehicle. The principle of the proposed development is considered to be contrary to Policy 1 and 2 of National Planning Framework 4. The proposal further conflicts with Policy 2 - Climate Change of SLLDP2 which states that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change.

10.9. NPF4 Policy 3 of National Planning Framework 4 seeks to protect biodiversity, reverse biodiversity loss and deliver positive effects from development. In this instance, there are a number of mature trees and hedgerows along the boundary of the site which would need to be removed as a result of the development without appropriate justification. Given the site designations (including Sites of Special Scientific Interest (SSSI)) the loss of trees would have an adverse impact on the landscape setting and natural environment contrary to Policy 3 and 6 of NPF4.

10.10. Layout, Siting and Design

Policy 14 - Design, quality and place of NPF4 advises that proposals will be supported where they are consistent with the 6 qualities of successful places (Healthy, Pleasant, Connected, Distinctive, Sustainable, Adaptable). It confirms that proposals which are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the 6 qualities of place will not be supported. In this case, the erection of 5 dwellinghouses within the Green Belt is contrary to the policy designed to preserve the green belt and is not considered to be characteristic of a sustainable place. Given its location is removed from the main settlement of Stonehouse, the proposal is also not considered to be connected. As such, this proposal is contrary to Policy 14 of NPF4.

10.11. Policy 15 - Local living and 20-minute neighbourhoods of NPF4 seeks to create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling, or using sustainable transport options. In this case access to the nearest local facilities could potentially be walked to in 20 minutes, however, it would be along a country road with no current pavement provision from the site. The proposal fails to create a connected neighbourhood and the proposal is therefore contrary to the spirit and thrust of Policy 15 of NPF4.

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

- i. the proposal is supported by an agreed timescale for build-out; and
- ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20-minute neighbourhoods;
- iii. and either:-

- ◆ delivery of sites is happening earlier than identified in the deliverable housing land pipeline; or
- ◆ the proposal is consistent with policy on rural homes; or
- ◆ the proposal is for smaller scale opportunities within an existing settlement boundary; or
- ◆ the proposal is for the delivery of less than 50 affordable homes

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

- 10.13. Under certain circumstances, housing in the countryside would be supported by policy 17 of NPF4 where the proposal would be suitably scaled, sited and designed to be in keeping with the character of the area. However, the proposal would not comply with any of those circumstances described in the criteria under part a) of policy 17. Support would also not be gained from any other part of policy 17 as the proposal would not be located in a remote rural area or support the resettlement of previously inhabited areas, and no evidence was provided to show how the development would contribute towards local living.
- 10.14. In addition to Policy 14, Policy 5 Development Management and Policy DM1 New Development Design together seek to ensure that all proposals are appropriately designed and scaled and state that all planning applications should take fully into account the local context and built form. Any proposal should not result in significant adverse environmental or amenity impacts relating to matters including access and parking. While the proposed individual house type designs are reflective of adjacent properties, and the plot ratios are acceptable, the proposed development does not respect the local landscape setting, as set out above. It would result in a suburban development in the Green Belt which is considered to negatively affect the landscape character and setting of the area as a result. Furthermore, the proposed siting and layout is not considered to be compatible with the existing pattern of development as built development is generally contained to the south side of Manse Road, and this proposal, if granted, would introduce development on a greenfield site to the north, adjacent to a historic asset, thus adversely affecting the built and natural environment and setting. Overall, this would be unacceptable in terms of layout, siting and design and it is considered that the proposal is not consistent with Policy 5 and Policy DM1 of the adopted local development plan.
- 10.15. Policy 7 of NPF4 and Policy 14 of the SLLDP2 aim to protect and enhance important historic sites and features. Policy NHE2 Archaeological Sites and Monuments and Policy NHE3 Listed Buildings aim to protect Listed Buildings and archaeological remains of national, regional and local significance. The proposed development site is immediately adjacent to St Ninian's Church and Graveyard which is a Category B Listed Building and the wider area around the church and graveyard, including the proposed development site, are designated as an area of archaeological interest. Introducing suburban style development on this side of Manse Road could result in a negative impact on the character, setting and integrity of the listed building and historic asset contrary to these policies. While it is recognised a similar style of housing is situated across the road, this is contained to the south, separated from the listed building which is also screened by trees from this side. West of Scotland Archaeology Service raised no objections to the proposed development subject to a condition being attached requiring a Programme of Archaeological Works and Written Scheme of Investigation. It is therefore considered that the proposal would be contrary to Policy 7, Policy 14 and Policy NH3 and, in order for the proposal to be considered consistent with Policy NHE2 of the adopted local development plan, conditions would be required in respect of approval of a Programme of Archaeological Works and Written Scheme

of Investigation and in respect of a significant landscape buffer retaining the existing trees and shrubs between the built development and the boundary of the graveyard.

10.16. Travel and Transport

Policy 15 Travel and Transport and Policy NHE18 Walking, Cycling and Riding Routes aim to encourage sustainable travel and reduce travel by car, encourage walking, cycling and public transport as alternative modes of transport and protect and enhance existing walking and cycling routes. The site is outwith the Stonehouse settlement boundary and Manse Road is part of the wider path network identified in the South Lanarkshire Core Paths Plan. Manse Road is a popular walking and cycling route and provides access to the cemeteries, the public park and the links to the Core Path Network. Roads, Transportation and Fleet Services have objected to the proposal as detailed previously. The proposal is considered contrary to Policies 15 and NHE 18 of the South Lanarkshire Local Development Plan 2.

10.17. Technical Matters

In terms of the representations summarised in paragraph 2 and the Community Council's consultation response, the various material planning concerns are noted, and it is considered that the proposal is contrary to various policies as previously detailed.

10.18. Conclusion

Careful consideration of this proposal has been undertaken and it is considered to have no specific locational need to be located in the Green Belt, is not considered to be located on previously developed land containing buildings and is considered to be sporadic development which does not result in significant and demonstrable visual and environmental benefits to the area. The site is not considered to be a clearly identifiable gap site not being bounded on at least two sides by habitable houses or buildings and is not considered to be consolidating an existing building group as it would extend development to the opposite side of Manse Road from existing built development into previously undeveloped land. The proposed development would have a significant adverse impact on the landscape character of the green belt and the Middle Clyde Valley Special Landscape Area.

10.19. The proposed development fails to adhere to the provisions of National Planning Framework 4, with specific regard to Policies 1, 2, 7, 8, 14, 16 and additionally, the proposal also fails to comply with the South Lanarkshire Local Development Plan 2, with specific regard to Policies 2, 4, 5, 14, 15, DM1, GBRA1, GBRA5, GBRA8, GBRA9, NHE16 and NHE18. As such, it is recommended that the application is refused.

11. **Recommendation and Reasons**

11.1. The Committee is asked to agree the following recommendation:-

Refuse for the following reasons:-

01. The proposal is contrary to Policy 1 and 2 of National Planning Framework 4 (NPF4) and Policy 2 Climate Change of the South Lanarkshire Local Development Plan 2 because the development is proposed on previously undeveloped land out with the settlement boundary.
02. The proposal is contrary to Policy 8 (Green belts) of National Planning Framework 4 (NPF4) as it does not meet the criteria listed in the policy for Green Belt development and therefore fails to encourage, promote and facilitate compact urban growth and use the land around our towns and cities sustainably.

03. The proposal is contrary to Policy 14 (Design, Quality and Place) of National Planning Framework 4 (NPF4) as it is not consistent with the 6 qualities of successful places. Specifically, it fails to achieve the characteristics of a sustainable and connected place.
04. The proposal is contrary to Policy 15 (Local living and 20-minute neighbourhoods) of National Planning Framework 4 (NPF4) as it fails to create a connected neighbourhood.
05. The proposal is contrary to Policy 16 (Quality homes) of National Planning Framework 4 (NPF4) as it does not constitute the delivery of high-quality homes in the right locations as set out in the policy criteria and no evidence was provided to show how the development would contribute towards local living.
06. The proposal is contrary to Policy 17 (Rural homes) of National Planning Framework 4 (NPF4) as it fails to meet any of the criteria listed and is not a suitable rural development.
07. The proposal is contrary to Policy 4, Policy GBRA1 and Policy GBRA5 of the South Lanarkshire Local Development Plan 2 in that the proposed development is considered to have no specific locational need to be located in the Green Belt, is not considered to be located on previously developed land containing buildings and is considered to be sporadic development which does not result in significant and demonstrable visual and environmental benefits to the area.
08. The proposal is contrary to Policy 4, Policy GBRA8 and Policy GBRA9 of the adopted South Lanarkshire Local Development Plan 2 in that the site is not considered to be a clearly identifiable gap site not being bounded on at least two sides by habitable houses or buildings and is not considered to be consolidating an existing building group as it would extend development to the opposite side of Manse Road from existing built development into previously undeveloped land.
09. The proposal is contrary to Policy 4, Policy 14 and Policy NHE16 of the adopted South Lanarkshire Local Development Plan 2 as it would have a significant adverse impact on the landscape character of the Green Belt and the Middle Clyde Valley Special Landscape Area.
10. The proposal is contrary to Policy 5 Development Management and Place Making, Policy 15 Travel and Transport, Policy NHE18 Walking, Cycling and Riding Routes and Policy DM1 – New Development Design of the South Lanarkshire Local Development Plan 2 as insufficient information has been provided to demonstrate that the proposals are acceptable in terms of road and pedestrian safety considerations.

David Booth
Executive Director (Community and Enterprise Resources)

Date: 22 April 2024

Background Papers

Further information relating to the application can be found online:-

[P/24/0010 | Erection of 5 no. detached dwellinghouse, formation of vehicular access, parking and associated works | Land 75M West Of The Manse Manse Road Stonehouse Larkhall \(southlanarkshire.gov.uk\)](https://www.southlanarkshire.gov.uk/P/24/0010)

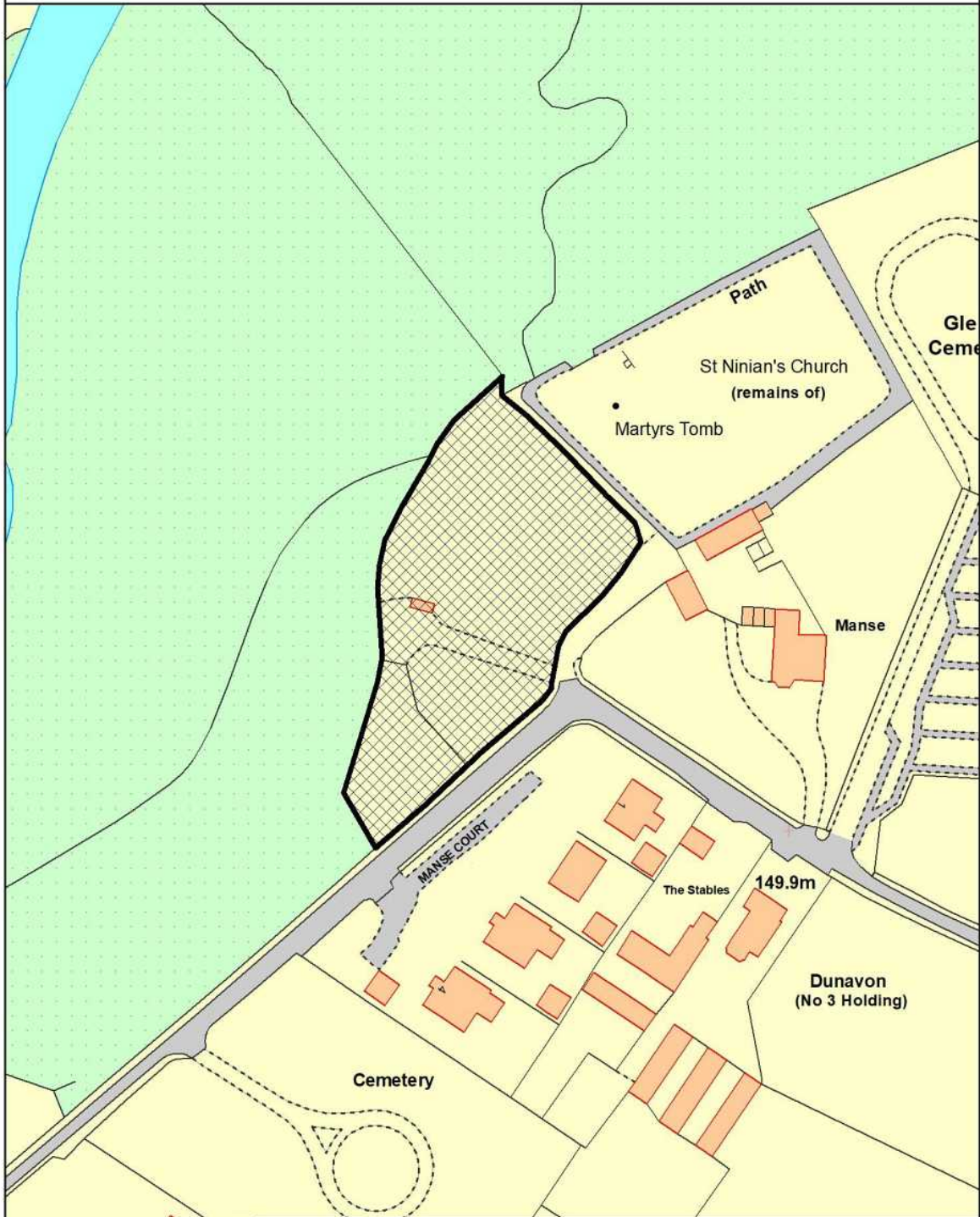
Contact for Further Information

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

Tel: 01698 454867

E-mail: planning@southlanarkshire.gov.uk

P/24/0010 Manse Road, Stonehouse



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Scale:
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Date:
29/02/2024



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

Report

8

Report to:	Planning Committee
Date of Meeting:	30 April 2024
Report by:	Executive Director (Community and Enterprise Resources)

Reference no:	P/24/0019
Proposal:	Substitution of house types (amendment to P/22/1377) for the erection of 182 dwellinghouses with associated roads, drainage, landscaping and open space
Site Address:	Land 360m NNE of Hallside Manse Manse Brae Cambuslang G72 7XF
Applicant:	Miller Homes Ltd
Agent:	N/A
Ward:	14 Cambuslang East
Application Type:	Full Planning Permission
Advert Type:	Schedule 2: Rutherglen Reformer 24 January 2024
Development Plan Compliance:	Yes
Departures:	N/A
Recommendation:	Grant subject to conditions
Legal Agreement:	N/A
Direction to Scottish Ministers	N/A

1. Reason for Report

- 1.1. The application is required to be determined by the Planning Committee as it relates to a housing proposal comprising 50 or more units.

2. Site Description

- 2.1. The application site, extending to approximately 18.3 hectares, is largely rectangular open grassland and is bounded to the west by Drumsagard village, to the south by Hamilton Road and to the north and east by open space/farmland. To the north is Hallside Road and a new housing estate. The site rises from west to east along and is traversed by a high-pressure gas pipeline.

3. Description of Proposed Development

- 3.1. Full planning permission is sought for the substitution of house types (amendment to P/22/1377 for the erection of 182 dwellinghouses with associated roads, drainage, landscaping and open space). This would comprise of a mix of detached and semi-detached properties across thirteen house types. All dwellings would be two storey and finished in a variety of materials.
- 3.2. The development is sited over two separate areas with 129 dwellings on the northern section and 53 on the southern section. The developed area will be approximately 14.3ha with an additional 4ha of tree planting on the eastern boundary. This tree covered area will not be developed, though a small section of this requires to be removed to allow for retention.
- 3.3. Access to the site will be from Hamilton Road to the south, with a separate emergency vehicle access point to the north from Hallside Road. The SUDs basins will be in the north-west and south-west corners of the site, with a centrally located play area. New footpath links will be provided throughout the site, several of which will connect into existing path networks.

4. Relevant Planning History

- 4.1. Planning permission was granted at the site in 2021 for 190 dwellings under application P/20/0023 subject to the conclusion of a legal agreement to cover matters relating primarily to developer contributions. This legal agreement has now been concluded and registered allowing planning permission P/20/0023 to be issued in November 2021.
- 4.2. In March 2023, a further substitution of house types, application for 190 dwellings was submitted for the site and approved by Planning Committee under application P/22/1377.

5. Supporting Information

The following information was submitted by the applicant in support of the application:-

- 5.1. Energy Statement - this presents the applicants' energy efficiency strategy to be incorporated into the site.
- 5.2. Invasive Weeds Survey – this presents the findings of a site survey for invasive species.
- 5.3. Updated Ecology Report – this presents the findings of a further ecological appraisal recently carried out at the site.

6. Consultations

6.1. Roads Development Management - no objections to the proposal subject to the attachment of conditions in relation to visibility splays, parking/driveway standards, gradients, drainage and management of construction traffic.
Response: Noted. Should permission be granted, appropriate conditions can be attached.

6.2. Roads Flood Risk Management – no comments.

Response: Noted. As the proposal includes the same drainage proposals as per the previous consents, should permission be granted, a condition will be attached requiring details of surface water drainage arrangements.

7. Representations

7.1. Following the statutory period of neighbour notification and advertisement, a total of 3 representations have been received (2 objections, 1 comment). The issues raised are summarised as follows:-

- ◆ Overdevelopment of site
- ◆ Proximity to Green Belt
- ◆ Impact on wildlife/biodiversity
- ◆ Flood risk/drainage
- ◆ Proximity of development to gas pipes
- ◆ Impact on amenity
- ◆ Poor footway/transport links
- ◆ Lack of original housing choice

The above issues are considered in the assessment below. These letters are available for inspection on the planning portal.

8. Development Plan

8.1. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2. National Planning Framework 4

National Planning Framework 4 (NPF4) is Scotland's national spatial strategy. It sets out spatial principles, regional priorities, national developments, and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places, and productive places.

National Planning Framework 4 Policies

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

8.3. South Lanarkshire Local Development Plan 2 (2021)

For the purposes of determining planning applications the Council will also assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan (SLLDP2). In this regard the application site and associated proposals are affected by the following policies:

SLLDP2 Volume 1 Policies

- ◆ Policy 2 - Climate Change
- ◆ Policy 3 - General Urban Areas and Settlements
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 7 – Community Infrastructure
- ◆ Policy 11 - Housing
- ◆ Policy 12 - Affordable Housing
- ◆ Policy 14 – Natural and Historic Environment
- ◆ Policy 15 - Travel and Transport
- ◆ Policy 16 - Water Environment and Flooding

SLLDP2 Volume 2 Policies

- ◆ Policy DM1 - New Development Design
- ◆ Policy NHE9 – Protected Species
- ◆ Policy NHE18 – Walking, Cycling and Riding Routes
- ◆ Policy SDCC2 - Flood risk
- ◆ Policy SDCC3 - Sustainable Drainage Systems
- ◆ Policy SDCC4 - Sustainable Transport

South Lanarkshire Council (SLC) Supporting Planning Guidance

- ◆ Residential Design Guide (RDG) (2011)

9. Guidance

9.1. None applicable.

10. Assessment and Discussion

10.1. Introduction

Full planning permission is sought for the substitution of house types on 182 plots at a previously approved site at Hallside, Cambuslang. The change to the previously approved proposal is as a result of the site being acquired by a new developer – Miller Homes. The main issues to be addressed in the determination of this application include its layout, siting and design. The policies contained within National Planning Framework 4 and the South Lanarkshire Local Development Plan 2 are the main consideration in this case, together with an assessment of any other material planning considerations. All technical matters such as drainage, roads and ecology have been previously addressed as the proposal is following an approved layout and the proposal complies with the relevant Development Plan policies in this regard.

10.2. Principle of Development

The site is located within the settlement boundary of Cambuslang and SLLDP2 identifies the site as being in an area where Policy 3 – General Urban Areas applies, and also as proposed housing land where Policy 11 – Housing applies. Therefore, in general land use and policy terms, the development is acceptable. The principle of development has already been established and this assessment relates purely to the substitution of house types and associated works.

- 10.3. In respect of SLLDP2 Policy 7 - Community Infrastructure Assessment, a legal agreement associated with planning permission P/20/0023 sets out the requirement for developer contributions applicable to this site to cover infrastructure impacts associated with education, roads and transportation, affordable housing and community facilities. The proposed development, as per the previous applications, does not include any on-site affordable housing provision, however, the applicant agreed to making such a contribution for off-site affordable housing within the local housing area. This approach has been agreed with Housing Services making the proposal acceptable under SLLDP2 Policy 7 and also Policy 12 - Affordable Housing.
- 10.4. Layout, Siting and Design
Policy 14 - Design, Quality and Place of NPF4 aims to encourage, promote, and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle. Policy 5 – Development Management and Placemaking of SLLDP2 advises that to ensure development takes account of the principles of sustainable development, all proposals require to be well designed and integrated with the local area. Proposals should have no significant adverse impacts on the local community and the environment. Where appropriate, proposals should include measures to enhance the environment. Policy DM1 – New Development Design of SLLDP2 also requires development to promote quality and sustainability in design and layout.
- 10.5. Comments received in respect of the proposal relate to overdevelopment of the site, lack of original housing choice, proximity to the green belt, proximity to nearby gas pipes, and impact on amenity. The proposed mix of house types, materials, size of properties and development layout are considered to be acceptable and in compliance with the principles of the approved masterplan. The plots can meet the requirements of the RDG in terms of window-to-window distances, garden sizes and parking requirements. In addition, it is considered that the proposed development would integrate with other residential developments in the vicinity. In terms of landscaping, the site includes some landscaped areas and planting. The approved layout is well designed in relation to its topography and will deliver the necessary community infrastructure. The proposal is therefore considered to comply with Policy 14 of NPF4 and Policies 5 and DM1 of SLLDP2.
- 10.6. The proposed residential development is located within a reasonable distance of existing health, community and retail facilities, close to main routes, including public transport links. The proposal is therefore considered to be generally consistent with Policy 15 of NPF4. The site is located within the existing settlement on an allocated housing site. The proposed development is of an acceptable layout, design and materials and provides a range of housing sizes. As such, the proposal is considered to be in compliance with Policy 16 of NPF4.
- 10.7. Conclusion
In conclusion, a full assessment of the proposal against the development plan has been carried out above. It is considered that the proposal will not result in any significant adverse amenity, environmental or safety impacts, and therefore complies with the relevant policies of the adopted National Planning Framework 4 and the adopted South Lanarkshire Local Development Plan 2. It is recommended that Planning permission be granted subject to the attached conditions.

11. Recommendation and Conditions

11.1. The Committee is asked to agree the following recommendation:-

Grant Full Planning Permission subject to the following conditions:-

01. That before any work commences on the site, a scheme of landscaping shall be submitted to the Council as Planning Authority for written approval and it shall include:-

- (a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development;
- (b) details and specification of all trees, shrubs, grass mix, etc., including, where appropriate, the planting of fruit/apple trees;
- (c) details of any top-soiling or other treatment to the ground;
- (d) sections and other necessary details of any mounding, earthworks and hard landscaping;
- (e) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.

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

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

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

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

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

04. That before any of the dwellinghouses situated on the site upon which a fence is to be erected is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 4 shall be erected to the satisfaction of the Council.

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

05. That before any of the dwellinghouses hereby approved are occupied, details of the storage and collection of refuse within the development shall be submitted to and approved by the Council as Planning Authority.

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

06. Prior to development commencing on site, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the

Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.

Reason: To minimise the risk of nuisance from dust to nearby occupants.

07. That no development shall commence until details of surface water drainage arrangements (including provision of a flood risk assessment, drainage assessment and maintenance responsibilities) have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and requirements (Appendices 1,2,3,4 and 5).

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

08. That the surface water drainage works shall be completed prior to the occupation of the first dwellinghouse and shall be completed in accordance with the details submitted to and approved by the Council as Planning Authority.

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

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

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

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

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

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

access shall be permitted on routes not agreed with the Council as Planning Authority as written through the TMP.

Reason: In the interest of road safety.

11. That any requirements and recommendations of the JDC Ecology update report dated February 2024 shall be carried out in accordance with this document prior to and throughout the construction process.

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

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

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

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

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

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

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

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

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

16. That no dwellinghouse shall be occupied until the access roads and footpaths leading thereto from the existing public road and adjacent residential development have been constructed in accordance with the specification of the Council as Roads and Planning Authority.

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

17. That, unless otherwise agreed with the Council as Planning Authority, before the development hereby approved is completed or brought into use, a visibility splay of 4.5m by 120m measured from the road channel shall be provided on both sides of the access on to the A724 Hamilton Road and everything exceeding 0.9m in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9m in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of traffic and public safety.

18. That, unless otherwise agreed with the Council as Planning Authority, before the development hereby approved is completed or brought into use, a visibility 2.5m x 60m to the left and 2.5m x 121m to the right measured from the road channel shall be provided at the emergency access on to Hallside Road and everything exceeding 0.9m in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9m in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of traffic and public safety.

19. That, unless otherwise agreed with the Council as Planning Authority, before the development hereby approved is completed or brought into use, a visibility splay of 2.4m x 25m measured from the road channel shall be provided on both sides of all internal junctions and everything exceeding 0.9m in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9m in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of traffic and public safety.

20. That, unless otherwise agreed with the Council as Planning Authority, before the development hereby approved is completed or brought into use, a vehicular visibility splay of 2m x 20m measured from the road channel shall be provided on both sides of all driveways and everything exceeding 0.9m in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9m in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of traffic and public safety.

21. That, unless otherwise agreed with the Council as Planning Authority, before the development hereby approved is completed or brought into use, a pedestrian visibility splay of 2.4m by 2.4m measured from the road channel shall be provided on both sides of all driveways and everything exceeding 0.6m in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9m in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of traffic and public safety.

12. Reason for Decision

- 12.1. The proposal would have no significant adverse impact on amenity, public safety or the local environment and complies with the provisions of Policies 1, 2, 3, 6, 13, 14, 15, 16 and 22 of National Planning Framework 4 (2023), and Policies 2, 3, 5, 7, 11, 12, 14, 15, 16, DM1, NHE9, NHE18, SDCC2, SDCC3 and SDCC4 of the adopted South Lanarkshire Local Development Plan 2 (2021).

David Booth
Executive Director (Community and Enterprise Resources)

Date: 22 April 2024

Background Papers

Further information relating to the application can be found online:-

[P/24/0019 | Substitution of house types \(amendment to P/22/1377 for the erection of 182no. dwellinghouses with associated roads, drainage, landscaping and open space\) | Land 360M NNE Of Hallside Manse Manse Brae Cambuslang G72 7XF \(southlanarkshire.gov.uk\)](#)

Corporate Considerations

The report raises no impacts or risks in terms of equalities or financial implications. Any implications in terms of climate change, sustainability or the environment will have been considered above in terms of the relevant national and local policies.

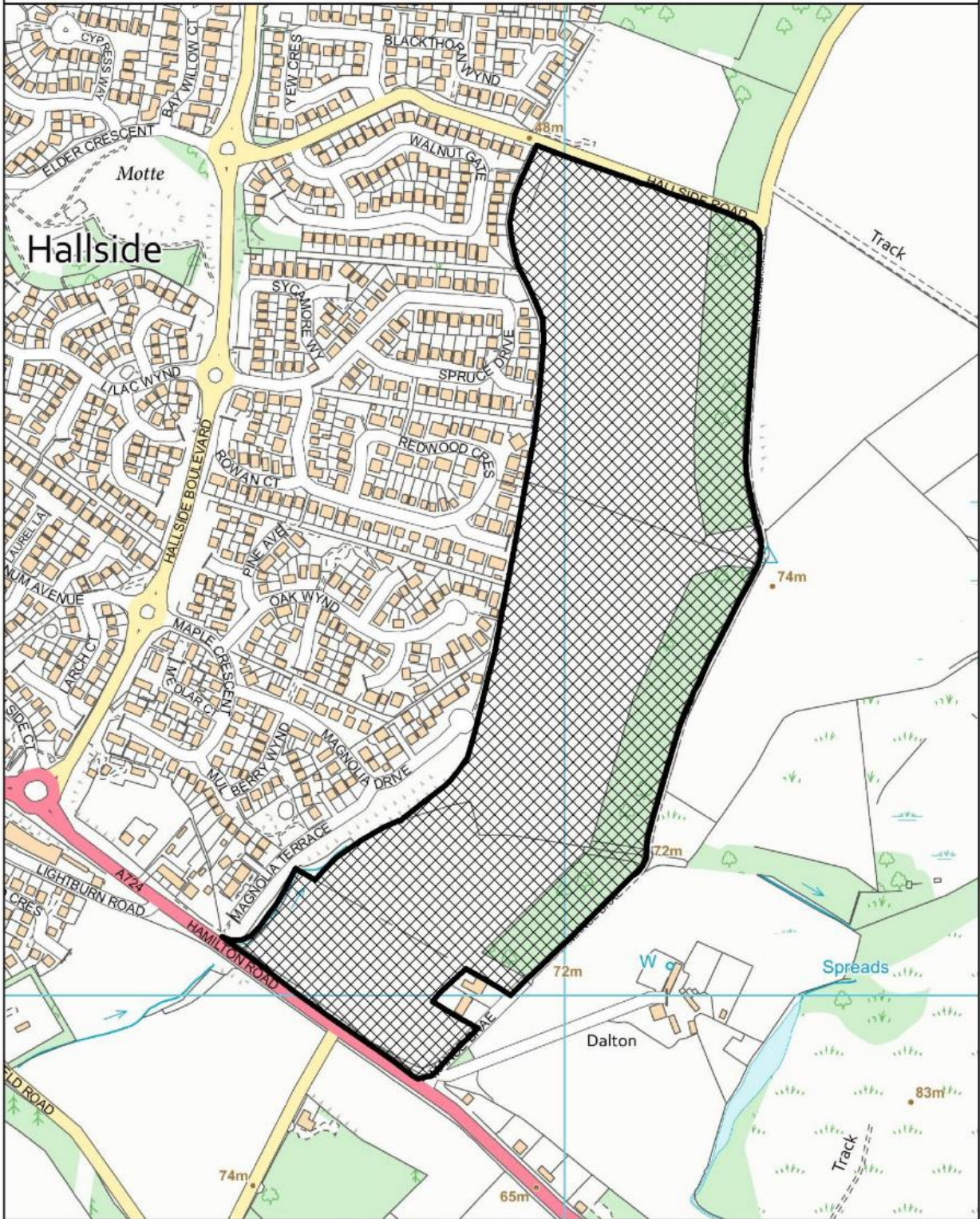
Contact for Further Information

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

Tel: 01698 454867

E-mail: planning@southlanarkshire.gov.uk

P/24/0019 Hallside, Cambuslang



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1:5,000
Date:
21/03/2024



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

Report

9

Report to:	Planning Committee
Date of Meeting:	30 April 2024
Report by:	Executive Director (Community and Enterprise Resources)

Reference no:	P/24/0076
Proposal:	Erection of 126 dwellinghouses, associated infrastructure and landscaping (approval of matters specified in conditions 1(a-r), 3, 4, 6, 8, 9, 10 and 12 of planning permission in principle EK/09/0218)
Site Address:	East Kilbride Community Growth Area (CGA) - Cala Phase 3 Newhouse Road East Kilbride
Applicant:	Cala Management Limited
Agent:	N/A
Ward:	9 - East Kilbride West
Application Type:	Approval of Matters Specified in Condition
Advert Type:	Schedule 2: East Kilbride News 21 February 2024
Development Plan Compliance:	Yes
Departures:	N/A
Recommendation:	Grant subject to conditions
Legal Agreement:	N/A
Direction to Scottish Ministers	N/A

1. Reason for Report

- 1.1. The application is required to be determined by the Planning Committee as it relates to a housing proposal comprising 50 or more units.

2. Site Description

- 2.1. The site, which has an area of approximately 8 hectares, is located on the eastern edge of the East Kilbride Community Growth Area (CGA). To the west is Phase 2 of the Cala Homes development within the CGA, which is currently under construction. To the south is a section of the CGA currently being developed by Bellway Homes. To the north is an area of greenfield land and to the east is Annan Avenue and Kirtle Place, which are established residential streets within the Gardenhall area of East Kilbride.
- 2.2. The site slopes significantly from south to north, predominantly comprises greenfield land but also contains an approximately 20-metre-wide strip of mature trees along the eastern boundary, adjacent to the existing residential properties on Annan Avenue and Kirtle Place.

3. Description of Proposed Development

- 3.1. Approval is sought for matters specified in conditions of planning permission in principle EK/09/0218 for the East Kilbride Community Growth Area, insofar as they relate to the Cala Homes Phase 3 section of the overall site. Cala Homes propose to construct 126 dwellinghouses, comprising 89 detached dwellings, 12 semi-detached dwellings and 25 terraced dwellings, with associated roads, infrastructure and landscaping. Given the slope of the site, an element of regrading is proposed to ensure that the site can be appropriately developed for residential purposes.

4. Relevant Planning History

- 4.1. EK/09/0218 - Mixed use development comprising residential, retail and education uses, and associated engineering works for site infrastructure, new access and distributor road, formation of open space framework with landscaping works (Planning Permission in Principle) (granted October 2019)
- 4.2. P/23/1195 - Erection of 107 dwellinghouses, associated infrastructure and landscaping (approval of matters specified in conditions 1(a-r), 3, 4, 6, 8, 9, 10 and 12 of planning permission in principle EK/09/0218 (withdrawn January 2024)

5. Supporting Information

Tree Survey Report
Site Investigation Report
Flood Risk Assessment
Ecological Assessment
Drainage Statement
Design and Access Statement

6. Consultations

- 6.1. Environmental Services – offered no objection subject to a condition relating to dust management.
Response: Noted. The requested condition would be attached to any consent issued.
- 6.2. Roads, Transportation and Fleet Services (Development Management) – offered no objection subject to conditions relating to access, parking and road safety considerations.
Response: Noted. The requested conditions would be attached to any consent issued.

- 6.3. Estates Services – offered no objection to the proposed development.
Response: Noted.
- 6.4. Scottish Water – offered no objection to the proposed development.
Response: Noted.
- 6.5. West of Scotland Archaeology Service – the archaeological matters imposed on the original Planning Permission in Principle consent for the site should be adhered to as part of the proposed development.
Response: Noted.
- 6.6. Jackton and Thorntonhall Community Council – offered no objection but sought that the existing mature trees to the east of the site be adequately protected as part of the proposed development.
Response. Noted. The trees in question are not proposed to be altered as part of the proposed development.

7. Representations

- 7.1. Following the statutory period of neighbour notification and advertisement, a total of 4 objections have been received. The issues raised are summarised as follows:-

- ◆ Overlooking/loss of privacy
- ◆ Noise
- ◆ Disturbance during construction
- ◆ Anti-social behaviour
- ◆ Loss of green space
- ◆ Archaeological impact
- ◆ Impact on wildlife
- ◆ Tree protection
- ◆ Lack of amenities
- ◆ Insufficient connectivity
- ◆ Non-compliance with Council's sustainable development policies

Other non-material issues were also raised; however, these are not planning related and do not form part of the assessment of the proposal. These letters are available for inspection on the planning portal.

8. Development Plan

- 8.1. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2. National Planning Framework 4

National Planning Framework 4 (NPF4) is Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments, and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places, and productive places.

National Planning Framework 4 Policies

- ◆ Policy 1 - Tackling the climate and nature crises
- ◆ Policy 2 - Climate mitigation and adaptation
- ◆ Policy 3 - Biodiversity
- ◆ Policy 14 - Design, quality and place
- ◆ Policy 15 - Local living and 20 minute neighbourhoods

- ◆ Policy 16 - Quality homes
- ◆ Policy 22 - Flood risk and water management

8.3. South Lanarkshire Local Development Plan 2 (2021)

For the purposes of determining planning applications the Council will assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan 2 (SLLDP2). In this regard the application site and associated proposals are affected by the following policies contained in the SLLDP2:-

SLLDP2 Volume 1 Policies

- ◆ Policy 1 - Spatial Strategy
- ◆ Policy 2 - Climate Change
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 7 - Community Infrastructure Assessment
- ◆ Policy 11 - Housing
- ◆ Policy 12 - Affordable Housing
- ◆ Policy 15 - Travel and Transport
- ◆ Policy 16 - Water Environment and Flooding

SLLDP2 Volume 2 Policies

- ◆ Policy DM1 - New Development Design
- ◆ Policy SDCC2 - Flood Risk
- ◆ Policy SDCC3 - Sustainable Drainage Systems

9. Guidance

9.1. The South Lanarkshire Council Residential Design Guide (2011).

10. Assessment and Discussion

10.1. Introduction

Approval is sought for matters specified in conditions of planning permission in principle consent EK/09/0218 for the East Kilbride Community Growth Area, insofar as they relate to the Cala Homes Phase 3 section of the site. As the principle of residential development of the site has been previously established through the wider Planning Permission in Principle consent the main issues to be addressed in the determination of this application relate to the layout, siting and design, and an assessment of technical matters. The policies contained within National Planning Framework 4 and the South Lanarkshire Local Development Plan 2 are the main consideration in this case, together with an assessment of any other material planning considerations.

10.2. Principle of Development

Planning application EK/09/0218 established the principle of residential development across the wider Community Growth Area development, including the land subject to this application. This is reflected in Policy 1 – Spatial Strategy of the South Lanarkshire Local Development Plan 2, which directs larger developments to sustainable urban locations including East Kilbride and which identifies the East Kilbride Community Growth Area as a priority area for new residential development within South Lanarkshire. As such, the principle of the residential development of the site has already been established through the existing consent and this is reflected within the provisions of the adopted development plan.

10.3. Climate Change

Policies 1 and 2 of NPF4 and Policy 2 of the South Lanarkshire Local Development Plan 2 seek to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis, and which minimises emissions and adapts to the current and future impacts of climate change. The wider CGA development includes local retail and education provision, on site play provision, open space, pedestrian links and public transport connections to ensure that the overall development is of a high quality, is sustainable and integrates appropriately with existing surrounding development. Given that the principle of development has already been established at this location, this application is not considered to raise any issues which conflict with the aims of Policies 1 and 2 of NPF4 and Policy 2 of the South Lanarkshire Local Development Plan 2.

10.4. Layout, Siting and Design

Policies 14 and 15 of NPF4 relate to liveable places. Policy 14 sets out that all development should be designed to improve the quality of an area and be consistent with the six qualities of a successful place: healthy, pleasant, connected, distinctive, sustainable, and adaptable. Policy 15 seeks to encourage, promote and facilitate the application of the Place Principle. Policy 16 of NPF4 relates to Quality Homes. The policy supports proposals for new homes on allocated sites for housing in the local development plan. Similarly, Policy 11 – Housing of the adopted South Lanarkshire Local Development Plan supports housing proposals on designated sites, while Policies 5 – Development Management and Placemaking and DM1 – New Development Design seek the provision of high quality proposals that do not significantly adversely impact on surrounding amenity.

10.5. In this instance a residential development of 126 dwellinghouses is proposed to be constructed, comprising a suitable mix of detached, semi-detached and terraced dwellings to meet with current market demands. Detailed level and section drawings have been provided to demonstrate how the development would account for existing levels within the site, with an element of regrading works requiring to be undertaken to ensure an end development that is accessible and provides usable garden areas and other spaces to residents. The proposed layout of the development is considered to fully comply with the relevant provisions of the Council's Residential Design Guide (2011).

10.6. Regarding concerns raised by objectors in respect of layout, siting and design issues, it is noted that the development would be separated from existing established residential properties in the Gardenhall area of East Kilbride by an area of mature trees, which would not be impacted by the proposed development. As such, there would be no significant issues in this case in terms of overlooking or loss of privacy, or in terms of other amenity considerations such as noise, disturbance, anti-social behaviour, dust or pollution.

10.7. Furthermore, while the proposal relates to a greenfield site, the land forms part of the wider Community Growth Area which has been designated as a residential development site both in the adopted Local Development Plan and through the existing Planning Permission in Principle consent for the wider site. Whilst this individual site is proposed to be developed for housing only, as part of the wider Community Growth Area, the development will benefit from access to the new retail, education, open space and play facilities that form part of the wider development of the site. As such, the development is considered to be appropriate in this case and fully complies with the relevant provisions of Policies 14, 15, and 16 of NPF4 as well as Policies 5, 11 and DM1 of the adopted South Lanarkshire Local Development Plan.

10.8. Natural and Historic Environment

Policy 3 of National Planning Framework 4 relates to Biodiversity and seeks to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. The area proposed to be developed is currently greenfield land, however, the site has previously been designated for housing through the adopted Local Development Plan and through the existing Planning Permission in Principle that is in place for the wider site. An ecological assessment has been submitted in support of the proposed development which has confirmed that, subject to adherence to the recommendations of the report, there should be no adverse impact on ecology or species as a result of the proposed development. A condition would be attached to any consent issued requiring the recommendations of the report to be adhered to in full as part of the development.

10.9. The area of mature trees along the eastern boundary of the development would not be affected by the development proposals. On this basis, the proposals are considered to fully comply with the provisions of Policy 3 of National Planning Framework 4. In terms of historic environment considerations, the site was fully assessed as part of the planning permission in principle application previously approved. A condition was attached to that consent relating to archaeological matters and this would also require to be adhered to by the applicants as part of their proposed development of the site.

10.10. Transport

Policy 15 of the South Lanarkshire Local Development Plan 2 seeks to ensure that all proposed developments fully account for traffic and travel considerations. In this case, it is noted that the Council's Roads, Transportation and Fleet Services have confirmed their satisfaction with the proposals subject to conditions relating to parking, access and road safety, which would be attached to any consent issued. It is further noted that the development would be well connected to other parts of the Community Growth Area, including retail, education, open space and play facilities, as well as onwards to the wider area through the provision of appropriate footpath connections throughout the development. The proposals are considered to be fully compliant with the relevant provisions of Policy 15 of the adopted plan.

10.11. Technical Matters

Policy 22 of National Planning Framework 4 as well as Policies 16, SDCC2 and SDCC3 relate to matters associated with flood risk management and seek to ensure that proposed developments do not pose any significant risk in terms of flood risk considerations. An addendum to the wider Flood Risk Assessment has been provided in respect of Phase 3 of the development, to which this application relates. It is not considered that there are any specific matters of concern in relation to flood risk in this instance and that detailed design matters in this regard can be dealt with through planning conditions that would be attached to any consent issued. The proposals are therefore considered to fully comply with the relevant provisions of Policy 22 of National Planning Framework 4 and Policies 16, SDCC2 and SDCC3 of the adopted South Lanarkshire Local Development Plan 2.

10.12. Policy 7 – Community Infrastructure Assessment of the adopted South Lanarkshire Local Development Plan 2 seeks to ensure that appropriate financial contributions are provided in respect of capital works or other works or facilities required to enable the development to proceed. Policy 12 – Affordable Housing seeks to ensure the provision of affordable housing as part of all new residential developments of 20 units or more. For the East Kilbride CGA, a holistic approach is being taken with these matters being dealt with through the provision of specific affordable housing sites within the wider development and the payment of developer contributions as part of

the legal agreement that was concluded at the Planning Permission in Principle stage. The proposals do not raise any issues of concern in respect of Policies 7 and 12 of the adopted plan.

10.13. Conclusion

In summary, it is noted that the principle of residential development of this site is supported by development plan policies and the existing Planning Permission in Principle consent, including the masterplan associated with the site. Given that the proposal will not result in any significant adverse amenity, environmental or safety impacts, it is considered that the proposed development is in compliance with all relevant policies as set out in National Planning Framework 4 and the South Lanarkshire Local Development Plan 2. It is therefore recommended that the relevant conditions outlined above can be discharged, subject to the additional conditions listed.

11. **Recommendation and Conditions**

11.1. The Committee is asked to agree the following recommendation:-

Grant subject to the following conditions:-

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

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

02. That no development shall commence until drainage and flood risk details to include signed appendices A to E are submitted to and approved in writing by the Planning Authority. The development shall not be occupied until the surface drainage works and any required flood mitigation works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.

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

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

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

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

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

05. That prior to commencement of any works on site the applicant shall submit, for the written approval of the Council as Roads and Planning Authority, details of the electric vehicle charging (EVC) facilities. Where EVC points are not located within a private driveway then details shall also include arrangements for siting of charging posts taking account of parking bays/boundary features/pedestrian movement. All information shall be submitted for the written approval of the Council as Roads and Planning Authority. Thereafter the agreed EVC provision shall be installed and commissioned in accordance with the approved plans and specifications prior to that property which it serves being occupied.

Reason: To ensure the appropriate provision of electric vehicle charging facilities within the site.

06. That before any dwellinghouse within the development hereby approved is brought into use, a dropped kerb access to serve the dwellinghouse shall be constructed in accordance with the specification and to the satisfaction of the Council as Roads and Planning Authority.

Reason: In the interests of traffic and public safety.

07. That, prior to commencement of works on site, details of the provision of a turning area within the site shall be submitted to and approved in writing by the Council as Roads and Planning Authority. Thereafter, the turning area shall be put in place within a timescale to the satisfaction of the Council as Roads and Planning Authority.

Reason: In the interests of traffic and public safety.

08. That before any dwellinghouse within the development hereby approved is completed or brought into use, a private vehicular access or driveway of at least 6 metres in length shall be provided to serve that dwellinghouse and the first 2 metres of this access from the heel of the footway/service strip shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.

Reason: To prevent deleterious material being carried onto the road.

09. That, prior to commencement of any works on site, amended details showing the provision of a remote footpath at plots 468/470 to 477/478 shall be submitted to and approved by the Council as Roads and Planning Authority. The footpath shall be 3m wide with street lighting and pedestrian barriers provided to the satisfaction of the Council. Thereafter the footpath shall be put in place to a standard and within a timescale to the satisfaction of the Council as Roads and Planning Authority.

Reason: In the interests of public safety.

10. That, prior to the commencement of any works on site, details of the provision of a hard standing area for the storage of refuse bins for plots 339/341, 343/345, 346/401, 402/404, 427/430, 433/439, 452/454, and 509/511 shall be submitted to and approved by the Council as Roads and Planning Authority. The hardstanding shall be large enough to accommodate all refuse bins associated with that area, be located behind the heel kerb of the footway, no more than 10m from the public road and will not be adopted or maintained by the Council. Thereafter the hardstanding shall be put in place to a standard and within a timescale to the satisfaction of the Council as Roads and Planning Authority.

Reason: In the interests of road safety.

11. That, prior to commencement of any works on site, a drawing shall be submitted to and approved by the Council as Roads and Planning Authority detailing the off-street parking requirements for each property. One bedroom properties shall have a minimum of one car parking space, two and three bedroom properties shall have a minimum of two car parking spaces and properties with four or more bedrooms shall have a minimum of three car parking spaces. Each of these spaces shall be in units of 6m x 3m, excluding pedestrian access. Thereafter, before any house within the development is completed or brought into use, all of the approved parking spaces shall be laid out and constructed to the specification and satisfaction of the Council as Roads and Planning Authority.

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

12. That before any dwellinghouse within the development hereby approved is completed or brought into use, a visibility splay of 2 metres by 20 metres (where traffic calming features are provided) or otherwise 2 metres by 35 metres measured from the road channel shall be provided on both sides of the vehicular access serving that dwellinghouse and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas. Prior to commencement of any works on site a plan shall be submitted to and approved by the Council as Roads and Planning Authority showing the provision and layout of these splays.

Reason: In the interests of traffic and public safety.

13. That before any dwellinghouse within the development hereby approved is completed or brought into use, a visibility splay of 2.4 metres by 2.4 metres measured from the heel of the footway shall be provided on both sides of the vehicular access serving that dwellinghouse and everything exceeding 0.6 metres in height above the road channel level shall be removed from the sight line areas. Prior to commencement of any works on site a plan shall be submitted to and approved by the Council as Roads and Planning Authority showing the provision and layout of these splays.

Reason: In the interests of public safety.

14. That before any dwellinghouse within the development is completed or brought into use, the surface of the associated access shall be so trapped and finished in hardstanding as to prevent any surface water or deleterious material from running onto or entering the road.

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

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

Reason: In the interests of traffic and public safety.

16. Prior to development commencing on site, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.

Reason: To safeguard the environmental amenity of the area.

17. That all trees to be retained within and adjoining the site shall be fully protected during the period of construction and prior to any work commencing on the site, written details specifying the nature of such measures shall be submitted to and approved by the Council as Planning Authority.

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

18. That, before any of Plots 343-349 inclusive are completed or brought into use, the pedestrian link shown on drawing PL_01 Revision D of the approved plans shall be put in place and brought into use to the satisfaction of the Council as Planning Authority.

Reason: To ensure the provision of appropriate pedestrian connections within the site.

19. That the recommendations set out in the ecological assessment submitted in support of the application, prepared by JDC ecology and dated December 2023, shall be fully adhered to at all times on site to the satisfaction of the Council as Planning Authority.

Reason: To ensure that ecological matters are appropriately dealt with at all times on site.

12. Reason for Decision

- 12.1. The proposal would have no significant adverse impact on amenity and complies with the relevant policies of National Planning Framework 4 (Policies 1, 2, 3, 14, 15, 16 and 22) and the adopted South Lanarkshire Local Development Plan 2 (Policies 1, 2, 5, 7, 11, 12, 15, 16, SDCC1, SDCC3 and DM1). There are no additional material considerations which would justify refusing to grant consent.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 22 April 2024

Background Papers

Further information relating to the application can be found online:-

[P/24/0076 | Erection of 126 dwellinghouses, associated infrastructure and landscaping \(approval of matters specified in conditions 1\(a-r\), 3, 4, 6, 8, 9, 10 and 12 of planning permission in principle EK/09/0218\) | EKCGA - Cala Phase 3 Newhouse Road East Kilbride \(southlanarkshire.gov.uk\)](#)

Corporate Considerations

The report raises no impacts or risks in terms of equalities or financial implications. Any implications in terms of climate change, sustainability or the environment will have been considered above in terms of the relevant national and local policies.

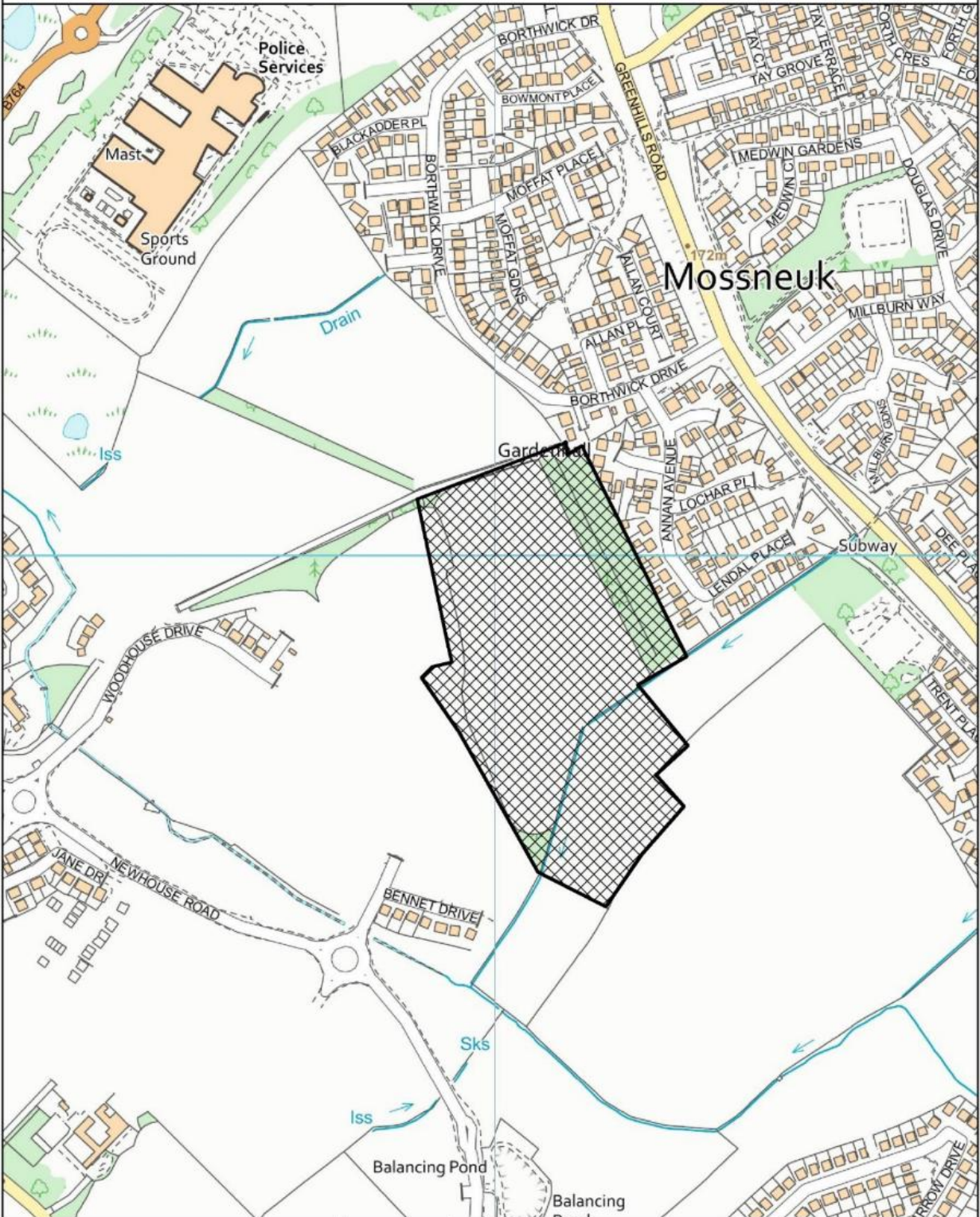
Contact for Further Information

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

Tel: 01698 454867

E-mail: planning@southlanarkshire.gov.uk

P/24/0076 East Kilbride Community Growth Area, Cala Phase 3



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Scale:
1:5,000
Date:
27/03/2024



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

Report

10

Report to:	Planning Committee
Date of Meeting:	30 April 2024
Report by:	Executive Director (Community and Enterprise Resources)

Subject:	Proposed Stopping Up of Public Road Under Section 207 of the Town and Country Planning (Scotland) Act 1997 - 4 Redwood Crescent, East Kilbride
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1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ seek Committee approval to promote a Stopping Up Order in relation to an approved development at 4 Redwood Crescent, East Kilbride

2. Recommendation(s)

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

- (1) that the Head of Planning and Regulatory Services, in consultation with the Head of Roads, Transportation and Fleet Services, be authorised to promote a Stopping Up Order within the context of Section 207 of the Town and Country Planning (Scotland) Act 1997, to facilitate the development approved under planning consent P/23/0981 at 4 Redwood Crescent, East Kilbride.

3. Background

3.1. In March 2024, planning permission was granted for the erection of an office, workshop building and storage building with associated works on land to the north of 4 Redwood Crescent, East Kilbride, under delegated powers (Application Ref: P/23/0981).

3.2. To access the development, it is necessary for a section of the spur road that serves this part of Redwood Crescent to be stopped up. The section of road in question is 143.3 metres in length, does not have an associated footpath and does not currently serve any properties. The section of road allows vehicles accessing the existing premises at 2 Redwood Crescent and 4 Redwood Crescent to complete a loop around the spur road to return to Redwood Crescent.

3.3. In order to maintain suitable access and egress from the spur road as part of their development proposals, the applicants propose to construct a new section of road to replace the existing road that will be stopped up. This new section of road will be 68.4 metres in length, will maintain the through road and will create the space to allow the proposed business and industry development to be constructed. A condition has been attached to the planning consent issued in respect of the development requiring the new road to be completed and brought into use before the current road is removed.

3.4. The stopping up of the road will be promoted under Section 207 of the Town and Country Planning (Scotland) Act 1997 which grants local authorities powers to extinguish the right of public access over roads. The proposed Stopping Up Order documents will be subject to statutory consultation and will be completed in accordance with the relevant publicity and consultation.

4. Employee Implications

4.1. None

5. Financial Implications

5.1. The applicant shall be responsible for the legal fees (including the Council's) associated with this Stopping Up Order.

6. Climate Change, Sustainability and Environmental Implications

6.1. The assessment of Planning Application P/23/0981 confirmed that the proposed development was acceptable in terms of climate change, sustainability and environmental implications.

7. Other Implications

7.1 There are no risks to the Council in terms of the proposed Stopping Up Order.

8. Equality Impact Assessment and Consultation Arrangements

8.1. No Equality Impact Assessment is required, and consultation will be undertaken in line with the statutory processes.

David Booth

Executive Director (Community and Enterprise Resources)

22 April 2024

Link(s) to Council Values/Priorities/Outcomes

Values

◆ Focused on people and their needs

Priorities

◆ We will work towards a sustainable future in sustainable places

Outcomes

◆ Good quality, suitable and sustainable places to live

◆ Thriving business, fair jobs and vibrant town centres

Previous References

◆ None

List of Background Papers

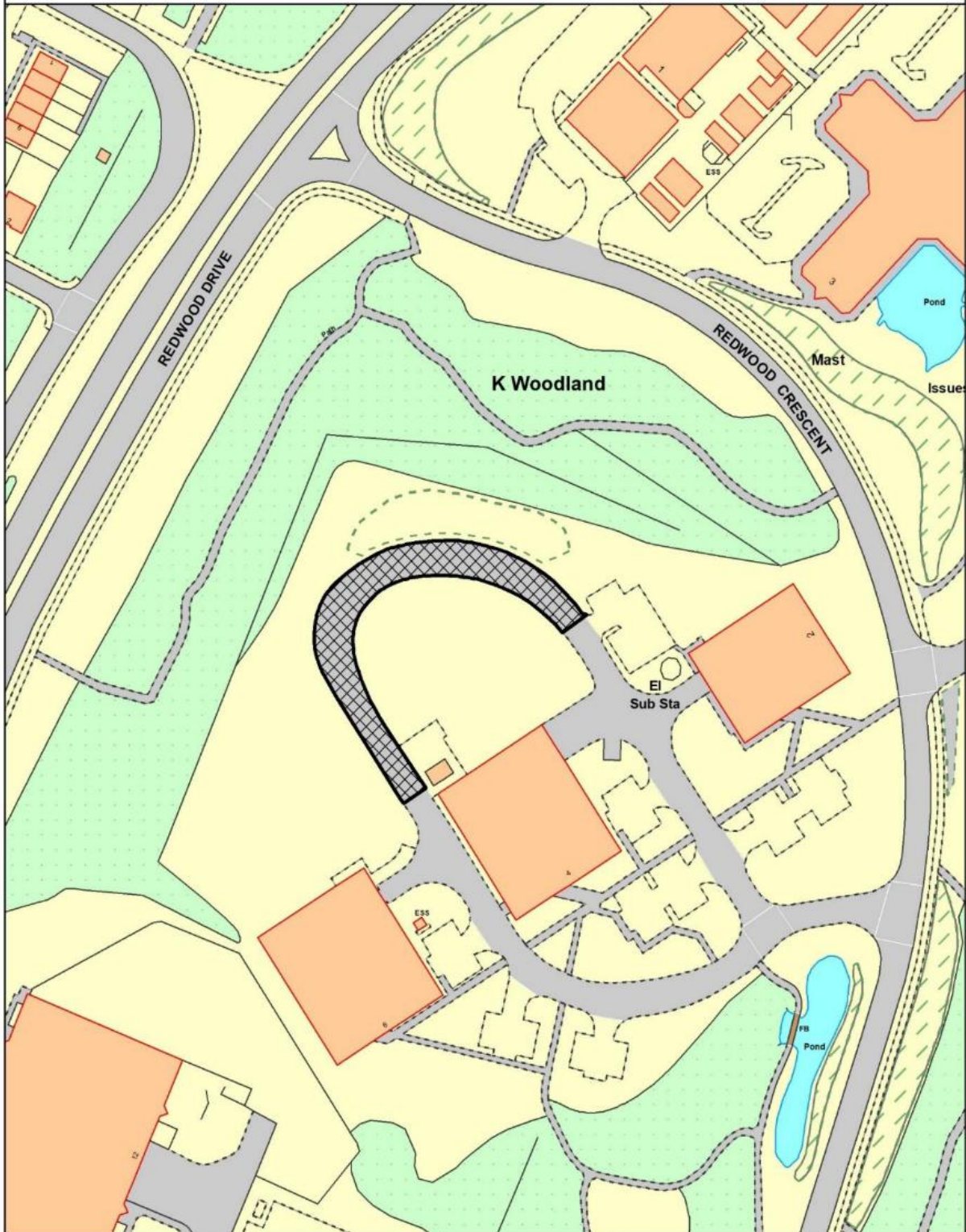
[P/23/0981 | Erection of office and workshop building and storage building with associated works | Land North Of 4 Redwood Crescent East Kilbride G74 5PA \(southlanarkshire.gov.uk\)](#)

Contact for Further Information

Iain Morton, Team Leader, Planning and Regulatory Services, Floor 6, Council Offices, Almada Street, Hamilton, ML3 0AA

E-mail: planning@southlanarkshire.gov.uk

Stopping Up Order, Redwood Crescent, East Kilbride



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Date:
27/03/2024



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

Report

11

Report to:	Planning Committee
Date of Meeting:	30 April 2024
Report by:	Executive Director (Community and Enterprise Resources)

Subject	Planning Appeal Decisions – November 2023 to March 2024
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1. Purpose of Report

1.1 The purpose of the report is to:-

- ◆ advise Committee of decisions that have been issued by the Scottish Government's Department of Planning and Environmental Appeals Division during the period 1 November 2023 to 31 March 2024 in relation to applications refused by the Planning Committee of South Lanarkshire Council

2. Recommendation(s)

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

- (1) that Committee note the decisions that have been issued by the Scottish Government's Department of Planning and Environmental Appeals.

3. Background

3.1 Members will be aware that applicants whose planning applications are refused by the Planning Committee have a right to appeal to the Scottish Ministers within three months of the date of the decision. The Appeals are processed by the Department of Planning and Environmental Appeals (DPEA) and, in most cases, a Reporter is appointed by the Scottish Ministers to undertake the Appeal.

3.2 This is the second report to Committee in 2023/2024 and updates members on the outcome of the appeals determined between 1 November 2023 and 31 March 2024. A link to each of the cases on the Scottish Government DPEA website can be found in the report. Overall, 14 decisions by the Council were the subject of appeal during 2023/2024 and were upheld in all but one case. A decision is awaited in one other case.

4 Planning Appeals

4.1 Since November 2023, decisions have been issued on six appeals against the refusal of planning applications by the Planning Committee of South Lanarkshire Council. The following summarises each of the cases:-

4.2 **Erection of dwellinghouse with associated access and parking at Milton Cottages, Milton Road, Carluke (application reference P/22/1178) - [Scottish Government - DPEA - Case Details \(scotland.gov.uk\)](#)**

This application was refused by the Planning Committee on 7 June 2023 on the grounds that the proposal was inappropriate development in the Green Belt and did not accord with the principles of sustainability and local living and would fail to conserve or restore biodiversity.

The Reporter found that the proposal did not accord with local and national development plan policies in relation to the green belt and dismissed the appeal.

4.3 **Erection of 25 chalets, a commercial facility, tourist/leisure use, eco village and associated landscaping (Section 42 application to remove Condition 2 - number of units of planning permission reference CL/17/0199) on land at Nether Kypeside Farm, Lesmahagow (application reference P/23/0357) - [Scottish Government - DPEA - Case Details \(scotland.gov.uk\)](#)**

The application was refused by Planning Committee on 9 August 2023 on the grounds that the proposal would involve unsustainable development in the rural area and result in an adverse impact on infrastructure and a loss of woodland.

The appointed Reporter dismissed the appeal agreeing that the proposal failed to accord with policies in the adopted South Lanarkshire Local Development Plan 2 (SLLDP2) and National Planning Framework 4 (NPF4) in relation to these issues.

4.4 **Demolition of agricultural buildings and erection of 6 no. detached residential dwellinghouses, access, car parking, landscaping and associated infrastructure at Millhouse Farm, Shields Road, East Kilbride (application reference P/22/0737) - [Scottish Government - DPEA - Case Details \(scotland.gov.uk\)](#)**

The application was refused by Planning Committee on 7 June 2023 on the grounds the proposal involved inappropriate development in the Green Belt and it would not accord with the principles of sustainability and local living.

The Reporter found the proposal did not satisfy the requirements of NPF4 or the SLLDP2 in relation to these issues and dismissed the appeal.

4.5 **Erection of a 1.5 storey detached dwellinghouse, formation of vehicular access and parking at Stonymeadow Cottage, Stonymeadow Road, East Kilbride (application reference P/22/1053) - [Scottish Government - DPEA - Case Details \(scotland.gov.uk\)](#)**

This application was refused by Planning Committee on 6 June 2023 on the grounds the proposal involved inappropriate development in the Green Belt and it would not accord with the principles of sustainability and local living.

The Reporter found the proposal did not satisfy the requirements of NPF4 or the SLLDP2 in relation to these issues and dismissed the appeal.

4.6 **Erection of dwellinghouse with associated access and parking (part retrospective) at Milton Cottages, Milton Road, Carluke (application reference P/23/0848) - [Scottish Government - DPEA - Case Details \(scotland.gov.uk\)](#)**

This application was refused by the Planning Committee on 7 September 2023 on the grounds that the proposal was inappropriate development in the Green Belt, and did not accord with the principles of sustainability and local living and would fail to conserve or restore biodiversity.

The Reporter found that the proposal does not accord with development plan policies in relation to the green belt and that it had resulted in loss of biodiversity value and would be in a car-dependent location and dismissed the appeal.

4.7 **Erection of single storey detached dwelling and double garage at Woodend, Mousebank Road, Lanark (planning application reference P/22/1096) - [Scottish Government - DPEA - Case Details \(scotland.gov.uk\)](#)**

The application was refused by the Planning Committee on 9 May 2023 on the grounds that the proposal involved sporadic development in the rural area and it would not accord with the principles of sustainability and local living.

The Reporter found the proposal involved development in an existing cluster and was suitably scaled and in keeping with the character of the area. The appeal was sustained and planning permission granted.

5. Next Steps

- 5.1 At the time of the preparation of this report one further planning appeal has been made against decisions made by the Council and a further report will be presented to the Planning Committee later this year to provide an update on appeal decisions made up to 30 September 2024.

6. Employee Implications

- 6.1 There are no employee implications.

7. Financial Implications

- 7.1 The resource commitment and financial costs for the Planning Authority in relation to the Planning Appeals process must be borne from existing budgets and resources and no external funding is provided for this activity.

8. Climate Change, Sustainability and Environmental Implications

- 8.1 The planning system will have an increasingly key role in addressing the climate change agenda. Investing additional income in resources within the planning service will contribute to meeting these aims.

9. Other Implications

- 9.1 There would be a reputational risk if this was not undertaken as this action has previously been specified in the Council's Planning Performance Framework.

10. Equality Impact Assessment and Consultation Arrangements

- 10.1 The content of this report is not relevant to the Council's equalities duties and, therefore, no impact assessment is required.
- 10.2 There was no requirement to undertake any consultation in terms of the information contained in the report.

David Booth
Executive Director (Community and Enterprise Resources)

22 April 2024

Link(s) to Council Values/Priorities/Outcomes

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

Previous References

- ◆ Planning Committee report on application P/22/1178 – 7 June 2023 - associated planning appeal decision [Scottish Government - DPEA - Case Details \(scotland.gov.uk\)](https://www.scotland.gov.uk/topics/planning/decisions/P/22/1178)
- ◆ Planning Committee report on application P/23/0357 – 9 August 2023 - associated planning appeal decision [Scottish Government - DPEA - Case Details \(scotland.gov.uk\)](https://www.scotland.gov.uk/topics/planning/decisions/P/23/0357)
- ◆ Planning Committee report on application P/22/0737 – 7 June 2023 - associated planning appeal decision [Scottish Government - DPEA - Case Details \(scotland.gov.uk\)](https://www.scotland.gov.uk/topics/planning/decisions/P/22/0737)
- ◆ Planning Committee report on application P/22/1053 – 6 June 2023 – associated planning appeal decision [Scottish Government - DPEA - Case Details \(scotland.gov.uk\)](https://www.scotland.gov.uk/topics/planning/decisions/P/22/1053)
- ◆ Planning Committee report on application P/23/0848 – 7 September 2023 – associated planning appeal decision [Scottish Government - DPEA - Case Details \(scotland.gov.uk\)](https://www.scotland.gov.uk/topics/planning/decisions/P/23/0848)
- ◆ Planning Committee report on application P/22/1096 – 9 May 2023 – associated planning appeal decision [Scottish Government - DPEA - Case Details \(scotland.gov.uk\)](https://www.scotland.gov.uk/topics/planning/decisions/P/22/1096)

List of Background Papers

- ◆ None

Contact for Further Information

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