



Council Offices, Almada Street
Hamilton, ML3 0AA

Monday, 07 February 2022

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, 15 February 2022
Time: 10:00
Venue: By Microsoft Teams,

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

Yours sincerely

Cleland Sneddon
Chief Executive

Members

Isobel Dorman (Chair), Mark Horsham (Depute Chair), John Ross (ex officio), Alex Allison, John Anderson, John Bradley, Archie Buchanan, Jackie Burns, Margaret Cowie, Peter Craig, Maureen Devlin, Mary Donnelly, Fiona Dryburgh, Lynsey Hamilton, Ian Harrow, Ann Le Blond, Martin Lennon, Joe Lowe, Ian McAllan, Davie McLachlan, Lynne Nailon, Carol Nugent, Graham Scott, David Shearer, Bert Thomson, Jim Wardhaugh

Substitutes

Walter Brogan, Janine Calikes, Stephanie Callaghan, Gerry Convery, Margaret Cooper, Allan Falconer, Martin Grant Hose, Catherine McClymont, Kenny McCreary, Mark McGeever, Richard Nelson, Collette Stevenson, Jared Wark, Josh Wilson

BUSINESS

1 Declaration of Interests

- 2 **Minutes of Previous Meeting** 5 - 12
Minutes of the meeting of the Planning Committee held on 14 December 2021 submitted for approval as a correct record. (Copy attached)

Item(s) for Decision

- 3 **Application P/21/0210 for Erection of House at Land 46 Metres East of Inver Cottage, Carmunnock Road, East Kilbride** 13 - 24
Report dated 24 January 2022 by the Interim Executive Director (Community and Enterprise Resources). (Copy attached)
- 4 **Application P/21/1525 for Construction and Operation of a Battery Energy Storage System for the Storage of Electricity, Including up to 24 Battery Storage Containers, Ancillary Infrastructure, Substation, Access Road, 2.4 Metre High Security Fencing, CCTV and Security Lighting at Land 70 Metres Southwest of Sanmex Buildings, Downiebrae Road, Rutherglen** 25 - 42
Report dated 20 January 2022 by the Interim Executive Director (Community and Enterprise Resources). (Copy attached)
- 5 **Application P/21/1474 for Erection of Extension to Existing Distribution Centre (Class 6) at Trade Team, Dale Avenue, Cambuslang** 43 - 56
Report dated 4 February 2022 by the Interim Executive Director (Community and Enterprise Resources). (Copy attached)
- 6 **Application P/21/1126 for Residential Development (206 Units) with Associated Roads, Footpaths, Open Space, Land Engineering Operations, Sustainable Drainage and Landscaping (Approval of Matters Specified in Conditions) at Land 185 Metres Northeast of Beechfield Manor, Meikle Earnock Road, Hamilton** 57 - 76
Report dated 4 February 2022 by the Interim Executive Director (Community and Enterprise Resources). (Copy attached)
- 7 **Application P/21/1053 for Erection of Fence Within Front Garden of House (Retrospective) at 74 Kirkhill Gardens, Cambuslang** 77 - 86
Report dated 20 January 2022 by the Interim Executive Director (Community and Enterprise Resources). (Copy attached)
- 8 **Application P/21/1869 for Substitution of House Types and Erection of Additional 10 Houses (115 in Total) at Previously Approved Housing Development with Associated Landscaping and Parking (Amendment to CR/14/0155) (POD 2E) at Land 135 Metres Northwest of 1 Foxglove Grove, Harvester Avenue, Cambuslang** 87 - 98
Report dated 4 February 2022 by the Interim Executive Director (Community and Enterprise Resources). (Copy attached)
- 9 **Application P/21/1697 for Residential Development (163 Units) with Associated Car Parking and Access, SUDs Features and Associated Works (Approval of Matters Specified in Conditions 1a, b, c, d, e, f, g, 3, 4a, b, c, 5a, b, c, 7, 8, 9, 10, 13, 14, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 33, 35 and 36 of Planning Permissions in Principle (P/20/0542) at Philips, Wellhall Road, Hamilton** 99 - 120
Report dated 3 February 2022 by the Interim Executive Director (Community and Enterprise Resources). (Copy attached)

- 10 Application P/21/1444 for Erection of Retail Unit (Class 1) with Associated Works at Site of Former Stuart Hotel, 2 Cornwall Way, East Kilbride** 121 - 130
Report dated 25 January 2022 by the Interim Executive Director (Community and Enterprise Resources). (Copy attached)
- 11 Application P/21/0604 for Erection of 1 'Off Grid' Holiday Cabin at Cleghorn Mains, Access from A706 to Cleghorn House, Cleghorn** 131 - 138
Report dated 27 January 2022 by the Interim Executive Director (Community and Enterprise Resources). (Copy attached)
- 12 South Lanarkshire Local Development Plan 2 - Supporting Planning Guidance - Community Infrastructure Assessment** 139 - 168
Report dated 4 February 2022 by the Interim Executive Director (Community and Enterprise Resources). (Copy attached)

Urgent Business

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

For further information, please contact:-

Clerk Name:	Stuart McLeod
Clerk Telephone:	01698 454815
Clerk Email:	stuart.mcleod@southlanarkshire.gov.uk

PLANNING COMMITTEE

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Minutes of meeting held via Microsoft Teams on 14 December 2021

Chair:

Councillor Isobel Dorman

Councillors Present:

Councillor Alex Allison, Councillor John Anderson, Councillor John Bradley, Councillor Archie Buchanan, Councillor Jackie Burns, Councillor Gerry Convery (*substitute for Councillor Maureen Devlin*), Councillor Margaret Cooper (*substitute for Councillor Joe Lowe*), Councillor Margaret Cowie, Councillor Peter Craig, Councillor Mary Donnelly, Councillor Fiona Dryburgh, Councillor Allan Falconer (*substitute for Councillor Lynsey Hamilton*), Councillor Mark Horsham (Depute), Councillor Ann Le Blond, Councillor Martin Lennon, Councillor Ian McAllan, Councillor Davie McLachlan, Councillor Carol Nugent, Councillor Graham Scott, Councillor David Shearer, Councillor Bert Thomson, Councillor Jim Wardhaugh

Councillors' Apologies:

Councillor Maureen Devlin, Councillor Lynsey Hamilton, Councillor Ian Harrow, Councillor Joe Lowe, Councillor Lynne Nailon, Councillor John Ross (ex officio)

Attending:

Community and Enterprise Resources

B Darroch, Planning and Building Standards Manager (East); P Elliott, Head of Planning and Economic Development; T Finn, Planning and Building Standards Manager (Headquarters); F Jack, Team Leader, Development Management Team, Roads and Transportation Services; T Meikle, Planning and Building Standards Manager (West)

Finance and Corporate Resources

M Cannon, Solicitor; J Davitt, Public Relations Officer; S Jessup and K McLeod, Administration Assistants; S McLeod, Administration Officer

1 Declaration of Interests

The following interest was declared:-

Councillor(s)	Item(s)	Nature of Interest(s)
Cowie	Application P/21/0662 for Erection of Single Storey Front and Rear Extension to Existing Semi-Detached House at 62 Fernbrae Avenue, Rutherglen	Known to applicant and objectors

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 16 November 2021 were submitted for approval as a correct record.

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

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

3 Application P/21/0662 for Erection of Single Storey Front and Rear Extension to Existing Semi-Detached House at 62 Fernbrae Avenue, Rutherglen

A report dated 24 November 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/0662 by S Zazia for the erection of a single storey front and rear extension to an existing semi-detached house at 62 Fernbrae Avenue, Rutherglen.

The Committee decided: that planning application P/21/0662 by S Zazia for the erection of a single storey front and rear extension to an existing semi-detached house at 62 Fernbrae Avenue, Rutherglen be granted subject to the conditions specified in the Executive Director's report.

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

4 Application P/21/0332 for Land Engineering/Remodelling Operations to Provide Hardstanding for External Storage and Distribution Purposes and Formation of Perimeter Landscaped Bund with Associated Land Drainage at Marshalls PLC, Roadmeetings, Yieldshields Road, Carluke

A report dated 3 December 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/0332 by Marshalls PLC for land engineering/remodelling operations to provide hardstanding for external storage and distribution purposes and formation of perimeter landscaped bund with associated land drainage at Marshalls PLC, Roadmeetings, Yieldshields Road, Carluke.

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/21/0332 by Marshalls PLC for land engineering/remodelling operations to provide hardstanding for external storage and distribution purposes and formation of perimeter landscaped bund with associated land drainage at Marshalls PLC, Roadmeetings, Yieldshields Road, Carluke be granted subject to:-
 - ◆ conditions specified in the Executive Director's report
 - ◆ the decision notice being withheld until a financial contribution of £10,072.50 had been paid for upgrading the road surface of the B7056 (Yieldshields Road) from the entrance to Marshalls PLC to the junction with the A721 (Kilncadzow Road)
- (2) that it be noted that, in accordance with the agreed procedure, should there be no significant progress by the applicant towards making the payment 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 planning obligation, the proposed development would be unacceptable; and

- (3) that it be noted that, if the planning obligation 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 planning obligation.

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

5 Application P/21/0333 for Land Engineering/Remodelling Operations to Provide Hardstanding for External Storage and Distribution Purposes and Formation of Perimeter Landscaped Bund with Associated Land Drainage at Marshalls PLC, Roadmeetings, Yieldshields Road, Carlisle

A report dated 3 December 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/0333 by Marshalls PLC for land engineering/remodelling operations to provide hardstanding for external storage and distribution purposes and formation of perimeter landscaped bund with associated land drainage at Marshalls PLC, Roadmeetings, Yieldshields Road, Carlisle.

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/21/0333 by Marshalls PLC for land engineering/remodelling operations to provide hardstanding for external storage and distribution purposes and formation of perimeter landscaped bund with associated land drainage at Marshalls PLC, Roadmeetings, Yieldshields Road, Carlisle be granted subject to:-
- ◆ conditions specified in the Executive Director's report
 - ◆ the decision notice being withheld until a financial contribution of £10,072.50 had been paid for upgrading the road surface of the B7056 (Yieldshields Road) from the entrance to Marshalls PLC to the junction with the A721 (Kilncadzow Road)
- (2) that it be noted that, in accordance with the agreed procedure, should there be no significant progress by the applicant towards making the payment 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 planning obligation, the proposed development would be unacceptable; and
- (3) that it be noted that, if the planning obligation 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 planning obligation.

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

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

6 Application P/21/1525 for Construction and Operation of a Battery Energy Storage System for the Storage of Electricity, Including up to 24 Battery Storage Containers, Ancillary Infrastructure, Substation, Access Road, 2.4 Metre High Security Fencing, CCTV and Security Lighting at Land 70 Metres Southwest of Sanmex Buildings, Downiebrae Road, Rutherglen

A report dated 24 November 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/1525 by EcoDev Group for the construction and operation of a battery energy storage system for the storage of electricity, including up to 24 battery storage containers, ancillary infrastructure, substation, access road, 2.4 metre high security fencing, CCTV and security lighting at land 70 metres southwest of Sanmex Buildings, Downiebrae Road, Rutherglen.

Following discussion, during which officers responded to members' questions on various aspects of the report, Councillor Lennon, seconded by Councillor Scott, moved that the application be refused on the grounds of loss of amenity to local residents and impact in terms of economic development. Councillor Donnelly, seconded by Councillor Cooper, moved as an amendment that the application be deferred for consideration at a future meeting on the grounds that further information was required on the impact on the travelling show people community at Cuningar Estate and fire risk in relation to the proposed development. On a vote being taken by roll call, members voted as follows:-

Motion

Margaret Cowie, Gerry Convery, Allan Falconer, Martin Lennon, Davie McLachlan, Graham Scott, Bert Thomson

Amendment

Alex Allison, John Anderson, John Bradley, Jackie Burns, Margaret Cooper, Peter Craig, Mary Donnelly, Isobel Dorman, Mark Horsham, Ian McAllan, Carol Nugent, David Shearer, Jim Wardhaugh

7 members voted for the motion and 13 for the amendment which was declared carried.

The Committee decided:

that planning application P/21/1525 by EcoDev Group for the construction and operation of a battery energy storage system for the storage of electricity, including up to 24 battery storage containers, ancillary infrastructure, substation, access road, 2.4 metre high security fencing, CCTV and security lighting at land 70 metres southwest of Sanmex Buildings, Downiebrae Road, Rutherglen be deferred for consideration at a future meeting on the grounds that further information was required on the impact on the travelling show people community at Cuningar Estate and fire risk in relation to the proposed development.

[Reference: Minutes of 8 March 2016 (Paragraph 7)]

Councillor Buchanan joined the meeting during consideration of the above item of business and was, therefore, unable to participate in the vote. Councillors Dryburgh and Le Blond left the meeting during consideration of the above item of business and prior to the vote

7 Application P/21/1228 for Erection of Agricultural Worker's House at Unused Field, Gated Entrance off Millwell Road, Opposite Laigh Cleughearn Farm, East Kilbride

A report dated 24 November 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/1228 by W Allison for the erection of an agricultural worker's house at unused field, gated entrance off Millwell Road, opposite Laigh Cleughearn Farm, East Kilbride.

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

The Committee decided: that planning application P/21/1228 by W Allison for the erection of an agricultural worker's house at unused field, gated entrance off Millwell Road, opposite Laigh Cleughearn Farm, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

In terms of Standing Order No 13, the Chair adjourned the meeting at 11.13am for a 7 minute period. The meeting recommenced at 11.20am without the attendance of Councillor Burns

8 Application P/21/1148 for Further Application in Relation to Planning Consent P/19/1232 for Residential Development Involving House Substitutions on 79 Plots (Plots 3 to 6, 12 to 15 and 38 to 108) at Area D, Site of Former Brackenhill Farm, Meikle Earnock Road, Hamilton

A report dated 3 December 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/1148 by Stewart Milne Homes for a residential development involving house substitutions on 79 plots (plots 3 to 6, 12 to 15 and 38 to 108) at Area D, Site of Former Brackenhill Farm, Meikle Earnock Road, Hamilton.

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

The Committee decided: that planning application P/21/1148 by Stewart Milne Homes for a residential development involving house substitutions on 79 plots (plots 3 to 6, 12 to 15 and 38 to 108) at Area D, Site of Former Brackenhill Farm, Meikle Earnock Road, Hamilton be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 19 November 2019 (Paragraph 9)]

9 Application P/21/1391 for Residential Development Comprising 105 Houses, MUGA, Landscaping and Associated Infrastructure at Land 115 Metres Northwest of 52 Rickard Avenue, Rickard Avenue, Strathaven

A report dated 2 December 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/1391 by Bancon Homes and HJ Paterson for a residential development comprising 105 houses, MUGA, landscaping and associated infrastructure at land 115 metres northwest of 52 Rickard Avenue, Rickard Avenue, Strathaven.

The Committee decided:

that planning application P/21/1391 by Bancon Homes and HJ Paterson for a residential development comprising 105 houses, MUGA, landscaping and associated infrastructure at land 115 metres northwest of 52 Rickard Avenue, Rickard Avenue, Strathaven be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ a revised Condition 8 as follows:-
"No development shall take place on the site until a scheme, approved in writing by the Planning Authority, for the carriageway widening of Berebriggs Road to permit two-way flow along its entire length has been implemented in full in accordance with the agreed scheme."

[Reference: Minutes of 27 March 2012 (Paragraph 5)]

Councillor Nugent left the meeting during consideration of the above item of business

10 Application P/21/1183 for Substitution of House Types (Amendment to Planning Consent CL/15/0445) at Land 125 Metres East of 15 Lanark Road, Lanark Road, Braidwood, Carluke

A report dated 3 December 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/1183 by Allanwater Homes and Upper Braidwood Development Consortium for the substitution of house types (amendment to planning consent CL/15/0445) at land 125 metres east of 15 Lanark Road, Lanark Road, Braidwood, Carluke.

The Committee decided:

that planning application P/21/1183 by Allanwater Homes and Upper Braidwood Development Consortium for the substitution of house types (amendment to planning consent CL/15/0445) at land 125 metres east of 15 Lanark Road, Lanark Road, Braidwood, Carluke be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 26 April 2016 (Paragraph 3)]

Councillor Buchanan left the meeting during consideration of the above item of business

11 Planning Enforcement Charter

A report dated 2 December 2021 by the Executive Director (Community and Enterprise Resources) was submitted on proposed amendments to the Council's Planning Enforcement Charter.

Section 158A of the Town and Country Planning (Scotland) Act 1997 required a Planning Authority to prepare an enforcement charter which contained the Council's policies for taking enforcement action and on how members of the public reported breaches of planning control as well as information on how the enforcement system worked. The charter required to be kept under review and updated and re-published at least every 2 years.

Scottish Government policy on planning enforcement was set out in Circular 10/2009. As a general principle, it stated that Planning Authorities had discretion to take enforcement action against any breach of planning control if they considered such action to be expedient, having due regard to the provisions of the Development Plan and any other material considerations. Details of the matters that required to be considered when deciding if enforcement action was appropriate were provided in the report.

A key part of the review of the current Planning Enforcement Charter, approved by the Planning Committee at its meeting on 26 February 2019, had been to consider whether the process for dealing with the increasing number of enforcement cases remained appropriate. This had resulted in the inclusion of the following 4 stage enforcement process in the proposed revised Charter:-

- ◆ stage 1 – receipt of enquiry
- ◆ stage 2 – investigation
- ◆ stage 3 – triage assessment
- ◆ stage 4 – outcomes

The outcomes at stage 4 would range from taking no action to taking action which would involve the following main approaches:-

- ◆ negotiate a solution
- ◆ requirement for the submission of a retrospective planning application
- ◆ formal enforcement action

It would only be in the case of a failure to comply with the requirements of a notice that an offence would be committed under the Planning Act. The options available to the Council in such circumstances were detailed in the report.

If approved, the revised Charter, attached as Appendix 1 to the report, would be published on the Council's website and form the basis for the Planning Service's approach to the application of its enforcement powers. In addition, the Charter would be sent to the Scottish Ministers and would be made available in the Council's public libraries once they had reopened.

There followed a full discussion on the proposed amendments to the Charter during which officers responded to members' questions on various aspects of the report.

The Committee decided:

- (1) that the Council's amended Planning Enforcement Charter, attached as Appendix 1 to the report, be approved; and
- (2) that the Head of Planning and Economic Development be authorised to modify the document to take account of drafting, presentational and technical matters, prior to publication.

[Reference: Minutes of 26 February 2019 (Paragraph 11)]

12 Urgent Business

There were no items of urgent business.

Chair's Closing Remarks

The Chair extended the compliments of the season to all members and officials present.

Report

3

Report to:	Planning Committee
Date of Meeting:	15 February 2022
Report by:	Interim Executive Director (Community and Enterprise Resources)

Application no.	P/21/0210
Planning proposal:	Erection of dwellinghouse

1. Summary application information

Application type:	Detailed planning application
Applicant:	Mr and Mrs R Brennan
Location:	Land 46M East of Inver Cottage Carmunnock Road East Kilbride South Lanarkshire

2. Recommendation(s)

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

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

2.2. Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) This application would normally be determined under delegated powers; however, local member Councillor McAdams has requested that it be determined by Planning Committee.

3. Other information

- ◆ Applicant's Agent: DTA Chartered Architects
- ◆ Council Area/Ward: 09 East Kilbride West
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (Adopted 2021)**
Policy 4 - Green Belt and Rural Area
Policy 5 - Development Management and Placemaking
Policy GBRA1 – Rural Design and Development
Policy GBRA8 – Development of Gap Sites
Policy GBRA9 – Consolidation of Existing Building Groups

◆ **Representation(s):**

▶	13	Objection Letters
▶	0	Support Letters
▶	1	Comment Letters

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

West of Scotland Archaeology Service

Planning Application Report

1. Application Site

- 1.1. The application site relates to an area of land to the east of Inver Cottage, off Carmmunock Road, adjacent to the settlement of Kittochside. The site is largely located within an area designated as Green Belt in the adopted South Lanarkshire Local Development Plan 2 (2021) but also includes a small strip within the settlement boundary. The site, which extends to approximately 0.165 hectares is bound to the south and east by agricultural land and to the west by Inver Cottage. To the north of the site is Carmmunock Road with Eastend Farm opposite. The site is currently grazing land and is relatively flat, though it sits higher than Inver Cottage. The perimeter of the site contains a number of mature trees, hedgerows and fencing. There is an existing access from Carmmunock Road within the site boundary which is noted as a secondary access to Inver Cottage. It is this strip of land that falls within the settlement boundary. It is further noted that the applicant owns the land adjoining the site to the east which is outlined in blue on the submitted site plan.

2. Proposal(s)

- 2.1. The applicant seeks detailed planning permission for the erection of a dwellinghouse on the site. This would comprise of an 'L' shaped 1.5 storey dwelling positioned centrally within the site with a footprint of approximately 182 square metres. This would provide a total floor area of approximately 293 square metres over both levels. The ground floor would include a lounge, kitchen, dining room, family room and study; and the upper floor would include 5no. bedrooms with associated ensuites and bathroom. The proposed finishes include white render, grey brick and grey tiles. Access to the dwelling would be via the existing access noted as the secondary driveway for adjacent Inver Cottage.
- 2.2. The applicant has submitted a design statement as well as a further Planning Statement in support of the proposal. The Planning Statement refers to policies of the previous 2015 Local Development Plan which are now no longer relevant, as well as the policies of the now adopted 2021 Local Development Plan 2. Under the current policies, the writer argues that the site can be justified as a gap site and that it will consolidate an existing grouping. The writer also refers to a historic image of the site from the 1940s which suggests at that time there was some form of building on the site.

3. Background

3.1. Local Plan Status

- 3.1.1. In determining this planning application, the Council must assess the proposed development against the policies within the adopted South Lanarkshire Local Development Plan 2 (2021). As such, the site is located within the Green Belt therefore Policy 4 - Green Belt and Rural Area is applicable. In addition, Policies 5 - Development Management and Placemaking, and GBRA1 – Rural Design and Development are also relevant. Policies GBRA8 – Development of Gap Sites and GBRA9 – Consolidation of Existing Building Groups are also both relevant as the applicant considers the proposal can be justified under these policies.

3.2. Relevant Government Advice/Policy

- 3.2.1. None relevant.

3.3. Planning Background

- 3.3.1. The applicant submitted the same proposal in 2020 under planning application P/20/0172. Following assessment of the proposal by the Planning Service, the applicant was advised at that time that there was no policy justification for the proposal

and that it should be withdrawn to avoid its refusal. As such, the application was withdrawn on 5 May 2020. It is noted there had been no pre-application discussions on the proposal.

4. Consultation(s)

- 4.1. **Roads and Transportation Services** – Requested a plan showing the required visibility splay of 2m x 43m, and the required parking spaces. A plan was subsequently submitted showing a visibility of 2m x 35m, therefore it is unclear if the requested visibility is achievable in this case. In addition, whilst the parking spaces were shown on the updated site plan, it was noted that there are raised walls where the parking spaces would be located so clarification on how this would work would need to be submitted.

Response: Noted.

- 4.2. **Environmental Services** – No objections to the proposal subject to the attachment of conditions and advisory notes in relation to noise.

Response: Noted.

- 4.3. **West of Scotland Archaeology Service (WOSAS)** - No objections to the proposal subject to the attachment of a condition requiring the implementation of an archaeological watching brief during all ground disturbance.

Response: Noted.

5. Representation(s)

- 5.1. Statutory neighbour notification was undertaken, and the proposal was advertised in the local press as development contrary to the development plan. Following this, 13 letters of objection and 1 letter of comment were received, the points of which are summarised below:-

- a) **The application site is outwith the designated settlement boundary of Kitchside which is clearly identified on the Strategic Map. This site is therefore within the Green Belt and approval of this development would set an unwanted precedent.**

Response: It is noted that the site is outwith the settlement boundary at Kitchside, other than a small strip that falls within the settlement boundary.

As such, the application was advertised as development potentially contrary to the Development Plan. Following assessment of the proposal, the Planning Service consider that the proposal is contrary to the Development Plan and that there is insufficient justification for the development. It is also considered that approval of this development would set an unwanted precedent.

- b) **Development within the Green Belt around Kitchside would compromise its historic rural identity, undermining its unique character and the listed buildings within it. No development has taken place in the Green Belt around Kitchside within the last 40 years due to strict planning policies.**

Response: As noted above, no justification has been provided that would allow this development to be approved.

- c) **The development is contrary to the Council's local plan policies designed to protect the Green Belt. The site is not a gap/infill site and does not consolidate a grouping. It is an undeveloped field, and this proposal would allow linear ribbon development along Carmunock Road.**

Response: Following assessment of the proposal, it is considered that the site does not qualify as a gap site and would not consolidate an existing grouping. It is considered that if approved, it has the potential to lead to further ribbon development.

- d) **The proposed building is not in keeping with the adjacent properties or the wider Kitchside area in terms of scale, design, location within the plot, and materials.**

Response: The proposed housetype is 1.5 storeys which is generally considered acceptable with the Green Belt and Rural areas. There are a variety of housetypes, heights and building lines throughout Kitchside, therefore, this aspect of the proposal is not considered unacceptable. Had the proposal been recommended for approval, it would have included a condition for samples of all materials to be submitted and approved.

- e) **The site has established hedgerows, trees and stone walls which makes visibility onto the road very poor. This is a road safety concern.**

Response: It is noted that the site includes established hedgerows and trees, particularly along the frontage of the site. The Council's Roads and Transportation Service were consulted as part of the application process and requested the applicant demonstrate that the required visibility splay of 2m x 43m is achievable at the site. A plan was subsequently submitted showing visibility splays of 2m x 35m, however, it remains unclear if the required visibility is achievable.

- f) **The applicant notes in the design statement that to the north of the application site is a two-storey farmhouse with attached single storey stable buildings that have been converted into habitable uses and that this is adjacent to a recent single storey dwelling with attached stables. This statement is incorrect as the stable buildings have not been converted to habitable uses and there is no 'recent' single storey building. The single storey building is a historic byre that has been converted. There is therefore no recent building adjacent to the site. In addition, the design statement refers to the proposed roof being tiled but the plans reference it's to be finished in slate. This should be clarified.**

Response: This is noted.

- g) **All wildlife and flora and fauna must be protected and should not be adversely affected as a result of this development.**

Response: This is noted, however, as this proposal is deemed unacceptable in planning policy terms, no surveys have been requested in this instance.

- h) **The design statement refers to the site as vacant land, however, this is incorrect as the site is actually unworked Green Belt land.**

Response: This is noted.

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

6. Assessment and Conclusions

- 6.1. The applicant seeks detailed planning permission for the erection of a dwellinghouse on land adjacent to Inver Cottage, Carmunock Road, Kitchside. The determining issues in the assessment of this application are compliance with local plan policy, its impact on the amenity of the adjacent properties and road safety matters.

6.2. In terms of the adopted South Lanarkshire Local Development Plan 2 (2021), Policy 4 – Green Belt and Rural Area is applicable in this case. This advises that the purpose of the Green Belt is to:-

- ◆ direct development to the most appropriate locations and support regeneration
- ◆ protect and enhance the character, landscape setting and identity of the settlement
- ◆ protect and provide access to open space

This policy also states that development in the Green Belt will be strictly controlled, and any proposals should accord with the appropriate uses set out in SPP. Policy 4 goes on to advise that the Green Belt functions primarily for agriculture, forestry, recreation and other uses considered by the Council to be appropriate to the countryside. Development which does not require to locate in the countryside will be expected to be accommodated within settlement boundaries to ensure that the identity of small settlements are not lost.

6.3. Policy GBRA1 – Rural Design and Development requires all development within the Green Belt and Rural Area to adhere to specific criteria. Proposals should respect existing built form and local landscape character and be of a high quality design using appropriate materials. Developments should have no unacceptable adverse impacts on existing residential amenity and should incorporate suitable boundary treatment/landscaping proposals to minimise visual impact on surrounding landscape. Proposals should be readily served by all necessary infrastructure and comply with all required parking and access standards. Proposals should not have an unacceptable adverse environmental impact on the amenity of the surrounding area or have an unacceptable impact on the natural and historic environment.

6.4. Policy GBRA8 – Development of Gap Sites advises sites that are clearly identifiable gaps sites require to comply with the following criteria:-

- ◆ The building group shall form a clearly identifiable nucleus with strong visual cohesion. The site shall be bounded on at least two sides by habitable houses or other buildings (excluding ancillary residential uses, such as garages) that are currently, or are capable of, being brought back into use. The distance between the existing buildings shall be no more than that needed to form a maximum of two house plots of a size in keeping with the curtilage and frontage of the existing group.
- ◆ The proposed house size to plot ratio shall be comparable to existing properties within the building group.
- ◆ The proposed development shall not result in ribbon development or coalescence with another building group.
- ◆ Any new dwelling shall include provision for private amenity space at a comparable scale to existing properties within the building group.
- ◆ The location, siting and design of the new house(s) shall meet existing rural design policy and guidance as set out in Policy GBRA1 and in supporting planning guidance.

This policy goes on to further advise that development of gap sites will not normally be acceptable in locations characterised by a scattering of houses or outbuildings/other buildings in the open countryside, or where the development would result in the extension of an existing ribbon form of development or coalescence with another building group.

- 6.5. Policy GBRA9 – Consolidation of Existing Building Groups advises proposals for new dwellings within existing building groups require to comply with the following criteria:-
- ◆ The scale and siting of new development shall reflect and respect the scale, character, cohesiveness, spacing and amenity of the existing group and the individual houses within the group. Any new building shall be located within a reasonable distance of the existing properties within the building group.
 - ◆ The proposal shall not result in ribbon/linear development or the coalescence of the housing group with a nearby settlement or another housing group.
 - ◆ Development shall not significantly adversely affect the landscape character or setting of the area. Definable natural boundaries between the existing group and adjacent countryside shall be maintained.
 - ◆ Private amenity space shall be provided to any new dwelling at a comparable scale to existing properties within the building group.
 - ◆ The location, siting and design of the new house(s) shall meet existing rural design policy and guidance as set out in Policy GBRA1 and in supporting planning guidance.
- 6.6. 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.
- 6.7. In terms of Policy 4, the proposed dwelling is not required for agriculture, forestry or recreation and no justification has been provided to demonstrate that there is a specific locational requirement or established need for the proposed dwelling. The site contains no dilapidated or intrusive buildings, there is no visible ground-based infrastructure and therefore this proposal does not involve the redevelopment of previously developed land containing buildings. In addition, there are no existing buildings on site that could be used for conversion. Whilst it is noted within the supporting Planning Statement that the site contained a building at one time, this appears to date back a significant period of time and therefore is not relevant in the current assessment. The applicant therefore proposes to justify the proposal in terms of Policies GBRA8 and GBRA9.
- 6.8. Having reviewed the proposal against these policies, the application site is not considered to be bound on two sides by habitable properties. The site is bound to the west by the existing residential property known as Inver Cottage, however, to the east of the site, is open grazing land. This extends approximately 240 metres along the southern side of Carmunnock Road before the next residential property at East Kittochside Farm. The applicant's argument that the existing property at Eastend Farm on the opposite side of Carmunnock Road should be classed as the second property forming a gap, is not accepted and is not in the spirit of the policy. The site is therefore not considered an identifiable gap site. In terms of the argument that the site consolidates an existing grouping, immediately adjacent to Eastend Farm on the northern side of Carmunnock Road is Eastend Byre Cottage leading on to Southview Cottage further along. As the application site is removed from these properties, the creation of a plot here would not consolidate an existing grouping, and if anything, leaves the surrounding area open to similar proposals and potential ribbon development. It is therefore considered that this proposal would result in the unnecessary expansion of this small settlement which would erode its character and set an unwanted precedent. As such, this proposal fails to comply with Policies 4, GBRA8 and GBRA9.

- 6.9. In terms of Policies 5 and GBRA1, the proposed plot size, footprint of the dwelling and amenity space is of a comparable size to the adjacent property.

Whilst the proposed dwelling is of a modern design and materials in comparison to nearby properties, incorporating a large, glazed feature on the front elevation with juliette balcony on the east facing elevation, it is noted that there are a variety of housetypes, heights and materials across Kittinghside. In terms of the building line of the proposed dwelling, there is no established front building line as such in the vicinity, therefore, it is not considered that the position of the building would be out of keeping with the adjacent properties. As such, the proposed housetype on its own and its position within the plot is not sufficient justification for refusal of the application.

- 6.10. As noted above, the Council's Roads and Transportation Services have been consulted and requested the submission of a plan detailing the required visibility splay of 2m x 43m. However, the revised plan subsequently submitted showed a visibility splay of 2m x 35m, therefore, it remains unclear if the required visibility is achievable. Roads also requested clarification on how the parking spaces would be implemented given that they affect a small retaining wall due to the majority of the application site sitting at a higher level than the adjacent property. Further clarification was not requested in this instance as the proposal was considered unacceptable in terms of Green Belt policies as detailed above. Environmental Services raised no objection to the proposal and WOSAS advised that if permission was to be granted then a condition requiring the implementation of an archaeological watching brief during all ground disturbance should be attached.
- 6.11. The application was advertised as Development Contrary to the Development Plan in the East Kilbride News. The proposal has been fully assessed and it is considered to be contrary to the Development Plan. In this regard, the proposal is not deemed to be in accordance with Policies 4, GBRA8 and GBRA9 of the adopted South Lanarkshire Local Development Plan 2 (2021). As such, it is recommended that the application is refused.

7. Reasons for Decision

- 7.1. The proposed development does not comply with the provisions of Policies 4, GBRA8 and GBRA9 of the adopted South Lanarkshire Local Development Plan 2 (2021) in that there is no specific locational requirement or need for the dwelling, it does not involve the redevelopment of previously developed land containing buildings, or the conversion of traditional buildings. The proposal does not relate to a clearly identifiable infill, gap site or existing building group and it is not an extension to an existing premises or use. The proposal would set an unwanted precedent which could encourage further similar applications for development prejudicial to the Greenbelt designation.

Alistair McKinnon

Interim Executive Director (Community and Enterprise Resources)

Date: 24 January 2022

Previous references

- ♦ P/20/0172

List of background papers

▶	Application form	
▶	Application plans	
▶	South Lanarkshire Local Development Plan 2 (adopted 2021)	
▶	Neighbour notification letter dated 17 February 2021	
▶	Consultations	
	Roads Development Management Team	24.02.2021
	Environmental Services	25.03.2021
	West of Scotland Archaeology Service	25.02.2021
▶	Representations	Dated:
	Mrs Mhairi Young, Eastend Farm, Kittochside Road, Clarkston, Glasgow, G76 9EP	04.03.2021
	Mr Colin Walker, Castlehill, Kittochside Rd, Kittochside, G769ES	08.03.2021
	Mr Stuart Gordon, 256 Kittochside Road, Kittochside Carmunnock, Glasgow, G769ES	08.03.2021
	Miss Hilary Laing, Castlehill, Kittochside Road, Kittochside, Carmunnock, Clarkston, Glasgow, G76 9ES	10.03.2021
	Mrs Lorna Mackay, Inver Cottage, Kittochside Road, Glasgow, G76 9ET	04.03.2021
	Mrs Lynne Ramage, 254 Kittochside Road, Carmunnock, Glasgow, G76 9ES	08.03.2021
	Mr Angus Young, Eastend Farm, Kittochside Road, Glasgow, G76 9EP	04.03.2021
	Mr Ross Pollock, 1B Kittochside Cottage, Kittochside road, Glasgow, G769et	08.03.2021
	Mrs Lorna Gordon, 256 Kittochside Road, Kittochside Carmunnock, Glasgow, G769ES	08.03.2021
	Mrs Alison Twaddle, Kittochside Farm, Clarkston, G76 9ET	10.03.2021
	Joe Allan, 94 Franklin Place, Westwood, East Kilbride, G75 8LS	08.03.2021
	Mrs Julie MacFarlan, Kittochside Cottages, Carmunnock Road, Clarkston, G76 9ET	08.03.2021
	Mr Dougie MacFarlan, Kittochside Cottages, Carmunnock Road, Clarkston, G76 9ET	08.03.2021
	Ms Deirdre Kelliher, Eastend Byre Cottage, Carmunnock Road, Clarkston, G76 9ET	10.03.2021

Contact for further information

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

Julie Pepper, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455046

Email: julie.pepper@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/21/0210

Reasons for refusal

- 01. The proposal is contrary to Policy 4 of the Adopted South Lanarkshire Local Development Plan 2 (2021) in that there is no specific locational requirement or need for the proposed development in this rural location. The proposal does not relate to a clearly identifiable gap site or consolidate an existing building group and therefore also fails to comply with Policies GBRA8 and GBRA9.**
- 02. If approved, the proposal would set an undesirable precedent which could encourage further similar applications for development prejudicial to the Greenbelt designation.**

P/21/0210

Land 46M East of Inver Cottage



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Scale:
1:2,500
Date:
20/01/2022



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

4

Report to:	Planning Committee
Date of Meeting:	15 February 2022
Report by:	Interim Executive Director (Community and Enterprise Resources)

Application no.	P/21/1525
Planning proposal:	Construction and operation of a Battery Energy Storage System for the storage of electricity, including up to 24 battery storage containers, ancillary infrastructure, substation, access road, 2.4 m high security fencing, CCTV and security lighting

1. Summary application information

Application type:	Detailed planning application
Applicant:	EcoDev Group
Location:	Land 70M Southwest of Sanmex Buildings Downiebrae Road Rutherglen South Lanarkshire

2. Recommendation(s)

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

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

2.2. Other actions/notes

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

3. Other information

- ◆ Applicant's Agent: AE Associates
- ◆ Council Area/Ward: 12 Rutherglen Central and North
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (Adopted 2021)**
Policy 1 Spatial Strategy
Policy 2 Climate Change
Policy 3 General Urban Areas and Settlements
Policy 5 Development Management and Placemaking
Policy 8 Employment
Policy 15 Travel and Transport
Policy 16 Water Environment and Flooding
Policy 18 Renewable Energy
Policy SDCC2 Flood Risk

Policy SDCC3 Sustainable Drainage Systems
Policy ICD2 Non-conforming Uses in Core
Industrial/Business Areas
Policy RE1 Renewable Energy
Policy DM1 New Development Design
Policy DM17 Air Quality

◆ **Representation(s):**

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

◆ **Consultation(s):**

Rutherglen Community Council

Roads Development Management Team

Environmental Services

Roads Flood Risk Management

Scottish Water

SEPA West Region

West of Scotland Archaeology Service

SEPA Flooding

SP Energy Network

Clyde Gateway

Planning Application Report

1. Application Site

- 1.1. The application site is located to the east of Dalmarnock Road and south of Downiebrae Road in Rutherglen and extends to 0.4 hectares in area. The River Clyde is to the north of the site with the Dalmarnock to Rutherglen railway line some 450 metres west of the site. The site itself sits wholly within the former Sanmex industrial complex which has now been demolished and the site is currently an area of vacant, brownfield land. The nearest residential properties are at Caithness Park some 75m to the east of the site and Baronald Street 150m to the south. An existing two storey office building lies between the site and Caithness Park. Approximately 150 metres southeast of the application site lies the Scottish Power Energy Networks (SPEN) Dalmarnock Grid Supply Point.
- 1.2. The site is currently accessed via an existing internal roadway taken directly off Downiebrae Road. The application site is located on land designated as a Core Industrial and Business Area within the South Lanarkshire Local Development Plan 2 (2021).

2. Proposal(s)

- 2.1. Detailed planning permission is sought for the construction and operation of a Battery Energy Storage System for the storage of electricity, including up to 24 battery storage containers, ancillary infrastructure, substation, access road, 2.4 m high security fencing, CCTV and security lighting. Access is to be taken from the existing internal access road noted in 1.2 above and 4 parking spaces within the site are proposed. The proposed batteries are to have a storage capacity of approximately 40 Mega Watts (MW). The site would be secure and includes equipment to allow 24 hour monitoring of the batteries remotely with approximately one routine, maintenance visit a month.
- 2.2. The applicant has advised that the proposed batteries are to allow for the storage of energy at times when generating stations are working at full capacity which can then be released when additional power is needed within the grid during peak times or when energy generation has dropped. As more energy sources are now renewable, such as wind and solar, balancing generation versus demand is a critical issue for grid stability. Battery storage allows energy to be stored during peak renewable generation periods and allows it to be released when demand outstrips generation. In short, the proposed batteries take in generated electricity when there is a surplus and store it until there is a demand for electricity which can be released to meet this demand. The proposed batteries would be fed from and transmit back to the existing nearby Dalmarnock Grid Supply Point.
- 2.3. The energy stored within the batteries will be from all available power generation sources. As more traditional energy sources such as coal and gas are being decommissioned and renewable energy sources are replacing them, balancing generation versus demand is becoming more critical due to the more sporadic nature of renewable energy development. Grid stability is essential as the transition to renewable energy continues and battery storage is, therefore, considered an essential part of the need for ongoing grid stability. Battery storage can be classed as renewable electricity infrastructure given the increased need for grid stability as renewable energy generation increases.

3. Background

3.1. National Policy

- 3.1.1. National Planning Framework 3 (NPF3) June 2014 sets out the long-term vision for the development of Scotland and is the spatial expression of the Scottish Government's Economic Strategy. It has a focus on supporting sustainable economic growth which respects the quality of the environment, place and life in Scotland and the transition to a low carbon economy. The framework sets out strategic outcomes aimed at supporting the vision – a successful, sustainable place, a low carbon place, a natural, resilient place and a connected place. NPF 3 also notes in paragraph 3.8 "We want to meet at least 30% of overall energy demand from renewables by 2020".
- 3.1.2. Scottish Planning Policy (SPP) June 2014 aligns itself with NPF3 and one of its policy principles states that "This SPP introduces a presumption in favour of development that contributes to sustainable development". At paragraph 28, SPP states that "the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost." The SPP also identifies a number of considerations to be taken into account when determining energy infrastructure developments including net economic benefit, the contribution to renewable energy targets, cumulative impacts, visual impacts, residential amenity and landscape and visual impacts (paragraph 169).
- 3.1.3. As noted in 2.3 above, the proposals would aid grid stability as renewable energy generation increases. It is therefore considered that, subject to the detailed assessment against the Development Plan criteria as set out in Section 6 below, the principle of the development accords with National Policy.

3.2. Development Plan Status

- 3.2.1. The proposed development requires to be considered against the approved Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP). The GCVSDP is a high level, strategic document and it is considered that proposals of this scale would not have any strategic implications within the Strategic Development Plan Area. As such, there is no detailed assessment of the proposals against this strategic Plan.
- 3.2.2. Following formal adoption on 9 April 2021, the proposals are required to be assessed against the South Lanarkshire Local Development Plan 2 (SLLDP2).

In this regard, the application site and associated proposal is affected by the following policies contained in SLLDP2:-

Volume 1

1. Policy 1 Spatial Strategy
2. Policy 2 Climate Change
3. Policy 3 General Urban Areas
4. Policy 8 Employment
5. Policy 15 Travel and Transport
6. Policy 16 Water Environment and Flooding
7. Policy 18 Renewable Energy

1. Policy SDCC2 Flood Risk
2. Policy SDCC3 Sustainable Drainage Systems
3. Policy DM1 New Development Design
4. Policy ICD2 Non-conforming Uses in Core Industrial/ Business Areas
5. Policy RE1 Renewable Energy
6. Policy DM17 Air Quality

3.3 Planning Background

- 3.3.1. On 27 August 2020, the Scottish Government's Chief Planner issued a letter in relation to electricity storage and the consenting regime. In this letter the Chief Planner stated that the Scottish Government considers that a battery installation generates electricity and is therefore to be treated as a generating station.
- 3.3.2. In light of this statement and due to the fact the current proposals have a capacity of over 20MW, they are considered to be classed as a Major application within the Electricity Generation category of the Hierarchy of Development. As such, the applicant carried out the statutory Pre-Application Consultation (Planning Ref: P/21/0008/PAN) required for Major applications. The current application submission includes the required Pre-application Consultation Report following this consultation procedure. As part of the PAN procedure, the applicant notified some 660 local properties of the proposals with an invitation to an online public consultation on the proposals as well as including contact details of where further information could be sought on the proposed development. The notified properties included a mix of commercial and residential properties and included the residents of the semi-permanent mobile homes located to the east of the application site adjacent to the Cuningar Loop Park.
- 3.3.3. Prior to submission of the current application, the applicant submitted an Environmental Impact Assessment (EIA) Screening request to ascertain whether the proposals would constitute an EIA development (Planning Ref: P/21/0312). Following assessment, the Council, as Competent Authority, issued a screening opinion stating that the proposals did not constitute an EIA development.
- 3.3.4. In March 2016, the Planning Committee granted planning permission in principle (Planning Ref: CR/15/0040) for a mixed use development comprising Class 1 retail, hot food takeaways, Class 3 restaurant and Class 11 leisure on the former Sanmex site. This permission includes the current application site and a larger area of now vacant land. The permission is only in principle and requires the further approval of matters specified by condition which would dictate the exact detail and design of the use classes approved as well as other aspects such as parking layout. This permission was renewed through an application made under Section 42 of the Town and Country Planning Act (Planning Ref: P/19/0307) which was granted on 8 April 2019.
- 3.3.5. Whilst every application is assessed on its own merits and the above referenced planning permission in principle (hereon referred to as the PPP) requires further approval before it could be implemented, it has been considered prudent to include an assessment of the current proposals against this permission as part of the planning assessment set out within Section 6 below.

4. Consultation(s)

- 4.1. **Roads Development Management** – originally requested additional details of the internal road layout. Following receipt of these details, offered no objections to the proposals subject to conditions relating to the construction of the access road in

relation to preventing surface water or deleterious material running onto or entering the public road and the further agreement of a Construction Traffic Management Plan (CTMP), including details of access and parking for staff and visitors, working hours, management of deliveries and wheelwashing facilities.

Response: Noted. Appropriate conditions can be attached to any consent issued.

- 4.2. **Roads and Transportation (Flood Risk Management)** – no objection to the proposal subject to attachment of conditions requiring sustainable drainage design and the implementation of the flood risk mitigation as set out within the submitted Flood Risk Assessment.

Response: Noted. Appropriate conditions can be attached to any consent issued.

- 4.3. **Environmental Services** – The scope of the Noise Impact Assessment (NIS) submitted with the application was agreed in advance with Environmental Services and was carried out in accordance with BS:4142 and BS:8233. In particular, the showpeople accommodation at Caithness Park was included as a potential sensitive receptor. Environmental Services officers then carried out their own background noise measurements to verify the submitted Noise Impact Assessment. As a result, they agree with the conclusions of the NIS that there will be no detrimental impact on any residential property. They therefore have no objections to the proposals subject to conditions requiring noise limits being placed on the proposals to protect the amenity of the surrounding area as well as conditions relating to contaminated land site investigations and controlling noise and construction times.

Response: Noted. Appropriate conditions can be attached to any consent issued.

- 4.4. **SEPA** – consider the proposals as falling within essential infrastructure as per their flood risk and land use vulnerability guidance and therefore had no bespoke comments to make.

Response: Noted.

- 4.5. **Scottish Water** – no objections to the proposal.

Response: Noted.

- 4.6. **Clyde Gateway** – generally support the principle of such a use in the area as the proposals involve renewable energy and green technology which is something they are trying to deliver on by various means such as district heating networks, greener buildings, supporting sustainable transport and working with British Geological Survey at Cuningar. Clyde Gateway also has aspirations to develop a Green Regeneration Innovation District (GRID). They note that the proposals would not result in new employment whereas the extant PPP would generate job opportunities if delivered. In addition, the location of the facility within the wider site severs what could be a larger masterplanned site and they consider it may be better for it to be along an edge of the site to prevent stagnating future development opportunities.

Response: Outwith construction, a proposal of this nature will not generate significant job opportunities within the immediate area. However, the proposals relate to National Grid stability in the transition from fossil fuel energy generation to renewable energy generation. The importance of grid stability is significant in the increase in renewable energy generation and facilities of this nature will be increasingly required as part of this. Whilst not creating significant direct employment opportunities, it is considered that the proposals fit within the renewable energy supply chain which will create 'greener' employment opportunities in the wider economy as the transition to renewable energy moves forward. Whilst the Council can only make an assessment of the plans placed before them, in terms of the location of the site within the PPP area, it is considered that the development is a stand-alone proposal that would be compatible within a commercial area and does not sterilise any access into the PPP

site. The application site represents only 10% of the overall 4.3ha PPP site and it is considered that the development potential of this remaining amount of land is not hindered by the current proposals. It is also noted that the PPP site has lain vacant for 5 years since the original PPP was granted with no developer interest. The location of the site is within 150m of an existing Grid Supply point which would minimise any energy transmission infrastructure required given the proximity of this facility. Further assessment of the proposals in relation to the PPP are carried out throughout Section 6 below.

4.7. The following consultees had no comments to make on the proposals:-

- ◆ West of Scotland Archaeology Service
- ◆ Rutherglen Community Council
- ◆ Scottish Power Energy Networks

5. Representation(s)

5.1. Statutory neighbour notification was undertaken and the proposal advertised in the local press for non-notification of neighbours. Following this publicity 8 letters of objection were received from 7 separate third parties with the following concerns:-

a) Proximity of proposals to residential properties

Response: The nearest semi-permanent residential properties are 75m from the site boundary and the nearest permanent residential properties are 150m from the site boundary and are separated from the site, by the River Clyde, existing commercial development, or public roads.

The site is on land that was previously used for industrial purposes and it is also subject to an extant permission in principle for retail, restaurants, hot food takeaways and leisure which are all uses that also have a similar level of potential impact in relation to the existing amenity of the area. Environmental Services are content that the proposals would meet required noise limits. It is considered that the proposals location in relation to residential properties is acceptable and would not impact upon the amenity of the area.

b) Flood Risk

Response: SEPA have no objection to the proposals in relation to flood risk. Roads and Transportation Services (Flood Risk Management) have no objections to the proposals subject to compliance with Council's design criteria for flood risk and drainage design.

c) Air and Water pollution

Response: The proposals would not affect air quality or nor would any discharge enter the water table.

d) Noise and inadequate background noise readings within the submitted Noise Impact Assessment

Response: Environmental Services carried out their own background noise levels and are content that acceptable noise limits can be met.

e) Visual Impact

Response: Whilst functional in design, it is considered that the proposals are not of a scale that would have a dominating visual impact upon the surrounding landscape. The site is currently vacant land and it is considered that developing the site would have a net positive impact in comparison to its current visual aspect.

f) Industrial nature of the proposal

Response: The application site is located on land designated for Employment purposes.

g) Impact on Retail properties

Response: Section 6 below includes a detailed assessment of the proposals in relation to the mixed use permission in principle granted on the site as well as an assessment of the proposals on land which is designated as Employment purposes

h) The potential for the batteries to go on fire, the danger of storing electricity near a water course and potential health implications

Response: If the proposals are granted planning permission, the operator would have to comply with all Health and Safety requirements regarding proposals of this nature which are outwith the scope of the Planning System. There has been no demonstrable correlation in relation to health implications being associated with battery storage but again this would be out with the remit of the Planning assessment. As noted below information has been sought regarding the proposals, in relation to any subsequent Building Standards procedure should planning permission be granted and the applicant has outlined their proposed fire safety system.

i) Neighbour notification was not carried out correctly

Response: The Council carried out the statutory neighbour notification fully as required ie directly serving notices on any property within 20m of the boundary of the application site and advertising the application within the local newspaper. As noted in 3.3.2 above, prior to the application being submitted, the applicant carried out the required PAN consultation which involved notifying 660 local properties of the proposals.

j) This proposal will prejudice the redevelopment of other land within the vicinity of the site

Response: Any applications for development of other land in the area will be dealt with on their merits. Further assessment of this concern is found in 4.6 above and throughout Section 6 below.

k) The proposals will have insurance implications for surrounding neighbours

Response: This is not a material planning consideration.

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

6. Assessment and Conclusions

6.1. Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997 all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the approved Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP) and the adopted South Lanarkshire Local Development Plan 2 (SLLDP2). As noted in 3.2.1 above, it is considered that the GCVSDP is a strategic, high-level document and an application of this scale and nature does not raise any strategic implications. Therefore, no further assessment against this document is required.

- 6.2. SLLDP2 Policy 1 'Spatial Strategy' states that developments that accord with the policies and proposals of the development plan will be supported. The application site is on land designated as Core Industrial and Business Area within the SLLDP2 where Policy 8 'Employment' applies. This policy states that these areas are to be retained for industrial/business use (class 4/5/6) and any exceptions must have a justification for locating within the industrial area and meet the criteria set out in SLLDP2 Policy ICD2 - Non-conforming Uses in Core Industrial/Business Areas. This criteria is as follows:-
- a. The effect the proposal will have on the continuity of the marketable industrial land supply in terms of quantity, range and quality.
 - b. Development for residential use will not be permitted.
 - c. The proposal must not determine the vitality and viability of existing town and village centres within South Lanarkshire and should follow the sequential approach as set out in SLLDP2 Policy 10 and Town Centres and Retailing Supporting Guidance.
 - d. That the development of the site or premises would not adversely affect the industrial operation, amenity, industrial character or function of the area, including traffic movement and circulation.
 - e. The site or premises has been subject to a marketing appraisal for classes 4, 5 and 6 to the Council's satisfaction and has been actively marketed for these uses for a minimum period of six months.
 - f. The site or premises can easily be accessed from main road routes and has satisfactory access by walking, cycling and public transport.
 - g. The infrastructure implications, including the impact on the transport network of the development are acceptable, or can be mitigated to an acceptable level.
 - h. The proposal includes appropriate parking provision for the type of development.
 - i. The development will not adversely affect the natural or built environment, including Natura 2000 sites and Protected Species.
- 6.3. In general terms grid support is extremely critical in areas of high electricity demand in order to stabilise the network and avoid power outages. The application site was identified because of its proximity to the built-up area. This is likely to become more commonplace as the transition to greener energy produced continues. In addition, its location within 150m of the Dalmarnock Grid Supply Point allows the minimum amount of transmission infrastructure to be required to connect the battery proposals to the national grid. This is considered an adequate justification for the location within the industrial area. Finally, the principle of redeveloping the site for alternative uses has been established by the extant PPP.
- 6.4. In relation to Policy ICD2 the following factors are considered to be of relevance:-
- ◆ The site has been vacant for several years. It is considered that loss of this relatively small area of the overall designation will not have a significant impact on the quantity, range and quality of the available employment land in this area. It also noted that the extant PPP on the site would result in 4.3 ha of employment land being redeveloped for commercial and leisure development.
 - ◆ Battery storage is considered a quasi-industrial use that would be compatible within an employment area.
 - ◆ As the proposal is non-retail/commercial, the development will not have any adverse impact on the vitality and viability of the nearby town/neighbourhood centres.
 - ◆ Due to the limited vehicle movements and lack of need for public access to the site, there is considered to be no adverse impact on the character or function of the surrounding industrial area, or the surrounding network.

- ◆ The site access, parking provision and internal arrangements are considered to be acceptable, and no objections have been received from Roads and Transportation Service.
- ◆ There is considered to be no adverse environmental impacts in relation to flood risk/environmental disturbance. In this regard, no objections have been received from SEPA, Environmental Services or the Council's Flood Risk Management Team.
- ◆ An Ecological Survey was submitted as part of the planning application and there were no signs of any protected species on site.

It is therefore considered that the proposals accord with the relevant criteria and provisions of SLLDP2 in this regard.

- 6.5. Policy 2 'Climate Change' of the SLLDP2 states that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. As noted in 2.3 above, whilst the electricity transmitted for storage within the proposed batteries will have come from a mixture of renewable and non-renewable sources, the purpose of the batteries is to ensure grid stability. As renewable energy becomes more prevalent, this will become a significant issue due to the intermittent nature of renewable energy generation. As such, it is considered that the batteries purpose is intrinsically linked to renewable energy generation and therefore can be viewed as renewable infrastructure to support increased renewable energy generation. Therefore, the proposals are considered to be in accordance with the aims of this Policy.
- 6.6. SLLDP2 Policy 3 'General Urban Areas and Settlements' requires particular consideration of developments in relation to the existing amenity of the surrounding area and requires development proposals within settlements to accord with other relevant policies in the development. The application is for development within a settlement boundary and therefore the principle of the development accords with this policy subject to further assessment against the other relevant policy criteria as follows.
- 6.7. Policy 5 'Development Management and Placemaking' states that development proposals should take account of and be integrated within the local context and built form. New development should also have no significant adverse impacts on the local community. This advice is supported within SLLDP2 Policy DM1 'New Development Design'. In this instance, and given the nature of the proposals, the design proposed is functional in form and involves the siting of up to 24 containers to house the batteries. The containers are approximately 2.9 metres in height with the substation control building being the tallest structure at 3 metres. A 2.4 metre high, security fence would surround the whole site. It is considered that the scale of the proposals is similar to the existing Dalmarnock Grid Supply Point located some 150m from the site. This results in the proposals being in keeping with the character of the surrounding area and would not dominate the surrounding street scene. A functional battery building would not detract from the amenity of the area and would be read, as with the Dalmarnock Grid Supply Point, as essential electricity infrastructure. It is therefore considered that the design of the proposals would not be detrimental to the surrounding area, nor would it detract from any future proposals for the surrounding area.
- 6.8. In terms of the impact the proposals would have on the amenity of the area, it is noted that they would not emit any gases as part of the process and are in essence similar in nature to electricity substations or indeed the neighbouring Dalmarnock Grid Supply Point. It is considered that the minimal traffic movements associated with the proposal

means that any other potential impacts on air quality will be negligible. Environmental Services have reviewed the Noise Impact Assessment (NIA) submitted as part of the planning application. Following carrying out their own background readings within the area, they are satisfied with the conclusions of the NIA and that appropriate noise levels can be met and controlled through condition. The appropriate noise levels are acceptable immediately outside the application site and, therefore, would also be acceptable for any future development on the wider site. The application site lies within the Rutherglen Air Quality Management Area, where SLLDP2 Policy DM17 'Air Quality' applies. This policy states that development proposals which have the potential to have a detrimental impact on air quality will not be acceptable, unless measures to mitigate the impact of air pollutants are proposed and can be agreed. The proposals would not have an adverse impact on air quality.

- 6.9. In terms of public safety and in particular potential fire risk, firstly, it is noted that battery storage does not fall within the Building Regulations definition of a "place of special fire risk" and therefore any subsequent building warrant for proposals of this nature would not necessarily require any special fire safety features due to the use of the building. In any event, the Council can consult the Fire Service on any building warrant application, for advice on fire safety design. Informal discussion with the Area Fire Officer has revealed that if built, the premises would be a "relevant premises" under the Fire Scotland Act and that the premises would be subject to audit should the need arise. However, it is unlikely to be a high risk to people as there will be limited occupants. An audit would only be carried out as a result of a fire or if notified that there was a risk present that either increases the risk of fire or an issue occurs that affects escape or delays warning in the event of fire. It should be noted that these regulations and procedures relate to Building Standards and are outwith the assessment of the Planning system but should planning permission be granted, the construction and subsequent operations would require to comply with these regulations. In addition, the applicant has confirmed that the proposals would have an integrated fire prevention and suppression system built into the design. This system would comprise of an early warning system if any battery cell was failing via gas detectors in each battery enclosure that would trigger automatic power disconnection and send an alarm to the monitoring station. If heat was detected there would also be a discharge of inert gas to displace all oxygen in the battery area to stop any fire developing. Finally, there would be external access to an internal sprinkler system that could be supported by the Fire Service. In view of this it is considered that there would be no risk to public safety.
- 6.10. SLLDP2 Policy 15 'Travel and Transport' requires that new development does not impact upon any existing walking or cycle route and promotes sustainable travel, where at all possible. In this instance there are no walking or cycling routes affected by the proposals. The site is in an area which is accessible by public transport. Adequate onsite parking is proposed, and Roads have no objection to the proposals subject to the conditions outlined in 4.1 above.
- 6.11. SLLDP2 Policy 16 'Water Environment and Flooding' states that development proposals within areas of flood risk or that are detrimental to the water environment will not be supported. Policies SDCC2 Flood Risk and SDCC3 Sustainable Drainage Systems provide further detailed advice in support of Policy 16. Given the sites proximity to the River Clyde, it is located within an area of high flood risk as defined by SEPA's flood map. A Flood Risk Assessment (FRA) has been submitted as part of the application. It notes the unmanned nature of the site and its classification as essential infrastructure. As such, the FRA states that the proposals would not exacerbate the flood risk of the surrounding area and states that appropriate mitigation, such as ensuring the battery units are on raised bases would ensure that they are not at risk

from potential flooding. SEPA have confirmed that they consider the proposals to comprise essential infrastructure and is a use that is considered acceptable within a flood risk area. Transportation Services Flood Risk Management agree with the findings of the FRA and have no objections to the proposals subject to compliance with the Council's SUDS criteria and the implementation of the mitigation referenced within the FRA. It is therefore considered that the proposals accord with the relevant provisions of the Development Plan in this instance.

- 6.12. SLLDP2 Policy 18 'Renewable Energy' is an overarching renewable energy policy and, therefore, defers the detailed, development management consideration to the Assessment Checklist for Renewable Energy Proposals contained within SLLDP2 Volume 2. Volume 2 Policy RE1 Renewable Energy outlines the considerations, criteria and guidance that must be taken into account for all renewable energy proposals. These are the Assessment Checklist contained with Appendix 1 of SLLDP2, Volume 2, the Supporting Planning Guidance on Renewable Energy, the South Lanarkshire Landscape Capacity for Wind Energy 2016 (as amended by the Tall Wind Turbines Guidance 2019) and other relevant SLLDP2 Policies. It is noted that the majority of this guidance relates to wind turbines and it is considered that the relevant, remaining development management criteria have already been assessed throughout the above policy criteria assessment.
- 6.13. In conclusion, it is considered that the proposed development is acceptable and complies with the Development Plan. It is also considered that the proposals would have a negligible impact upon the PPP granted for the wider area and would not result in any future development not being able to be built out should further permissions be secured. The proposals represent a key element of the transition to renewable energy production and its location within the built-up area close to the grid supply point is essential. It is recommended that planning permission should be granted.

7. Reasons for Decision

- 7.1. The proposed development complies with Policies 1,2, 3, 5, 8, 15, 16, 18, SDCC2, SDCC3, ICD2, RE1, DM1 and DM17 of the adopted South Lanarkshire Local Development Plan 2 (2021).

Alistair McKinnon

Interim Executive Director (Community and Enterprise Resources)

Date: 20 January 2022

Previous references

- ◆ CR/15/0040 – Planning Committee – 8 March 2016
- ◆ P/19/0307
- ◆ P/21/0312
- ◆ P/21/0008/PAN
- ◆ P/21/1525 – Planning Committee – 14 December 2021

List of background papers

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

21.07.2021

► Consultations

Roads Development Management Team	07.10.2021
Environmental Services	29.10.2021
Roads Flood Risk Management	04.10.2021
Scottish Water	14.09.2021
Environmental Services	29.10.2021
Scottish Water	14.09.2021
SEPA Flooding	07.09.2021
Clyde Gateway	14.01.2022

► Representations Dated:

Mrs Sarah and Robert Russell, 25 Farme Castle Court, Rutherglen, Glasgow, G73 1AA	07.09.2021
Mr Kevin Welsh, 19 Vancouver Walk, Glasgow, G40 4TP	07.09.2021
Robert And Sarah Russell, 25 Farme Castle Court, Rutherglen, Glasgow, South Lanarkshire, G73 1AA	08.09.2021
Mr Michael Daley, 49 Vancouver walk, Glasgow, Glasgow, G40 4TP	10.09.2021
Mrs Marion Miller, 31, Farme Castle Court, Glasgow, G73 1AA	07.09.2021
T G And V Properties Ltd, Received Via Email	08.10.2021
Catherine Browning, 33 Farme Castle Court, Rutherglen, G73 1AA	04.10.2021
Mr Eugene Watson, 38 Sydney Crescent, Dalmarnock, Glasgow, G40 4TQ	17.09.2021

Contact for further information

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

James Wright, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
Phone: 01698 455903
Email: james.wright@southlanarkshire.gov.uk

Conditions and reasons

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

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

02. That before any work starts on site, a Construction Traffic Management Plan (CTMP) shall be submitted to the Council as Roads and Planning Authority for approval. This should provide details of access and parking provision for staff and visitors, intended working hours, how deliveries of materials will be managed and stored and what wheel washing facilities will be provided to prevent mud being carried on to the adopted road. Once approved the CTMP will be implemented as such for the lifetime of the construction of the development, hereby approved.

Reason: in the interests of traffic and public safety as well as to preserve the amenity of the surrounding area.

03. That before the development is completed or brought into use, a 3.5m access road shall be laid out and 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.

04. That before any work starts on site, the following shall be submitted for the written approval of the Council, as Planning Authority: -

1. Sustainable Drainage Design

A sustainable drainage system serving the application site, designed and independently checked in accordance with the Council's current developer design guidance May 2020 is to be provided.

We will expect the surface water runoff to be collected, treated, attenuated, and discharged using sustainable drainage techniques in accordance with the latest industry guidance.

Copies of the self-certification contained within Appendix C and Appendix D Independent Check (refer to the Council's developer design guidance May 2020) duly signed by the relevant parties are to be submitted.

2. Professional Indemnity Insurance

The Applicant should be made aware at this juncture of the need to have the appropriate Appendices A, B, C D and E "Signed Off" by the relevant parties with these parties providing a copy of their Professional Indemnity Insurance for our records.

3. Future Maintenance Responsibilities of SuDS Apparatus
In order to ensure a robust future maintenance regime is in place, a copy of confirmation of future maintenance of sustainable drainage apparatus contained within Appendix E (refer to the Council's developer design guidance May 2020) duly signed by the appropriate party together with a digital copy of the construction drawings showing the SuDS apparatus (OS referenced) with highlighted maintenance responsibilities and associated contact details of any maintenance organisations should be supplied for review and for our records.

Once approved the details shall be implemented as such and maintained for the lifetime of the development, hereby approved.

Reason: In the interests of sustainable drainage.

05. That all flood mitigation measures contained within the document titled Dalmarnock Battery Energy Storage System Flood Risk Assessment dated April 2021 shall be implemented fully as narrated and maintained for the lifetime of the development, hereby approved.

Reason: In the interests of flood risk.

06. That before any work starts on site,

- (a) The applicant should 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 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 10175:2011 - 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. Any remediation of the site as required by condition 6 above, shall

- i) 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.

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

The internal noise levels attributable and resultant from the Battery Energy Storage System shall comply with BS 8233:2014 Guidance on sound insulation and noise reduction for buildings as follows-

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

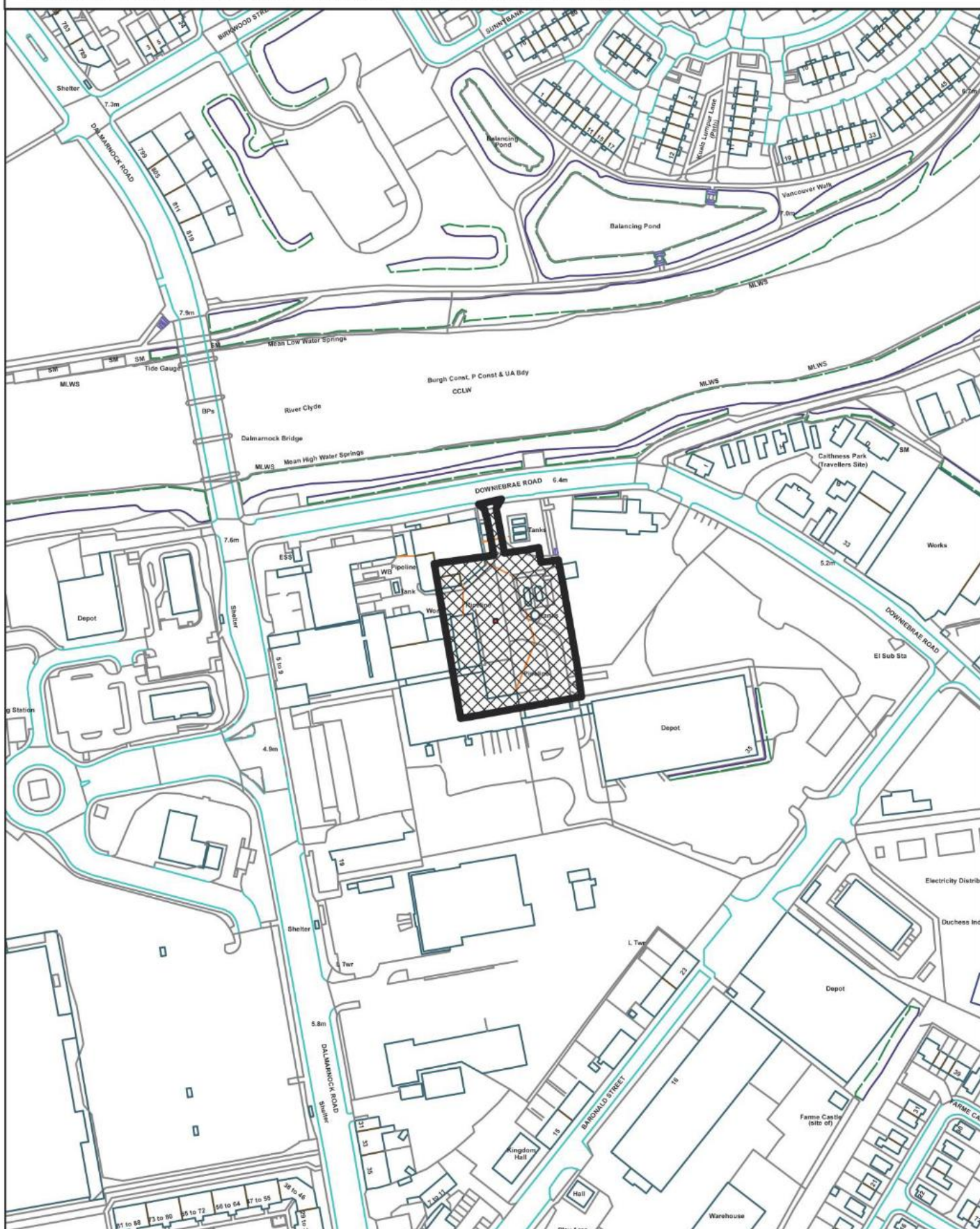
The Internal Noise Rating Values, within the residential property attributable and resultant from the Battery Energy Storage System, shall not exceed-

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

Reason: In the interests of amenity

P/21/1525

Land 70M Southwest of Sanmex Buildings, Downiebrae Road, Rutherglen



Report

5

Report to:	Planning Committee
Date of Meeting:	15 February 2022
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/21/1474
Planning proposal:	Erection of extension to existing distribution centre (Class 6)

1. Summary application information

Application type:	Detailed planning application
Applicant:	BMW (UK) Trustees Ltd c/o Legal and General
Location:	Trade Team Dale Avenue Cambuslang South Lanarkshire G72 7DX

2. Recommendation(s)

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

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

2.2. Other actions/notes

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

3. Other information

- ◆ Applicant's Agent: Rhiannon Moylan
- ◆ Council Area/Ward: 13 Cambuslang West
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (2021)**
Policy 1 - Spatial Strategy
Policy 2 - Climate Change
Policy 5 - Development Management and Placemaking
Policy 8 - Employment

◆ **Representation(s):**

▶	21	Objection Letters
▶	0	Support Letters
▶	4	Comment Letters

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Roads Flood Risk Management

Scottish Water

The Coal Authority Planning and Local Authority Liaison Department

Planning Application Report

1. Application Site

- 1.1. The application relates to an established industrial unit, Tennent's distribution unit at Dale Avenue off Bogleshole Road, Cambuslang. The site which is utilised as a storage and distribution facility comprises an existing large industrial building, a temporary storage facility, yard area and car parking. The site extends to approximately 1.88 hectares in size.
- 1.2. The site is bounded to the south and southwest by the Cambuslang to Rutherglen railway line and beyond to residential properties, to the west and north-west by Bogleshole Road, to the east and south east by vacant residential land and beyond to a more recent residential development and to the north by existing industrial land. Access to the site is taken from Dale Avenue which has a junction onto Bogleshole Road. The site is generally flat throughout with some semi mature trees along its boundary with Bogleshole Road and Dale Avenue.

2. Proposal(s)

- 2.1. The applicants propose a large extension of additional industrial floorspace (total of 5,402 sqm) to the existing building. The building will continue in use for Class 6 (Storage and distribution) purposes with the extension enabling an expansion of Tennent's current operation at Cambuslang. In order to facilitate this, an extension will be added to the western elevation of the existing building, on an area of grassland immediately adjacent to the existing building. The existing car parking provision at the site would remain the same with space provision proposed for the parking of HGVs and additional loading areas within the site.
- 2.2. The elevations and the roof of the extension would be externally finished in similar profile metal sheeting to match the existing.

3. Background

3.1. Local Plan Status

- 3.1.1. With regard to the South Lanarkshire Local Development Plan 2 (SLLDP2) (adopted 2021) the site falls within an area designated as a core business and industrial area under Policy 8 – Employment. Policy 1 – Spatial Strategy and Policy 2 – Climate Change are also of relevance to the proposal as well as Policy 5 – Development Management and Placemaking. The proposal is assessed in detail in relation to these policies in Section 6 below.

3.2. Relevant Government Advice/Policy

- 3.2.1. The Scottish Planning Policy (SPP) states that Planning Authorities should promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments.

3.3. Planning Background

- 3.3.1. None

4. Consultation(s)

- 4.1. **Roads Development Management Team** – following detailed discussions with the developer's Roads consultant, the Council's Roads Engineer offered no objections to the proposed development subject to conditions relating to the on-site provision of HGV parking spaces, cycle parking bays and electric vehicle charging points. In addition, pending a review of on-street parking the developer may be required to provide for waiting restrictions at the access to the site.

Response: **Noted.** The requested conditions would be attached to any consent issued.

- 4.2. **Environmental Services** – offered no objections to the proposed development subject to the imposition of a condition requiring the site to be further assessed in terms of potential contamination. In addition, a standard construction noise condition is required to be imposed.

Response: Noted. The applicant had lodged a Contaminated Land Assessment in support of the application. However, as additional information is required by the Environmental Services Officer, a contaminated land condition together with a noise construction condition would be attached to any consent issued.

- 4.3. **Roads and Transportation Services (Flood Risk Management Section)** – no objections subject to standard conditions including sustainable drainage design, indemnity insurance requirements and future maintenance responsibilities.

Response: Noted. Through the attachment to any planning consent of standard flood risk and SUDs conditions, the developer will be required to adhere to the Flood Team's requirements involving the completion and submission of all relevant appendices.

- 4.4. **Scottish Water** – offered no objections to the proposal.

Response: Noted.

- 4.5. **The Coal Authority Planning and Local Authority Liaison Department** – initially objected to the proposal due to the proximity of the canopy section of the development to historic mine workings.

Response: Noted. After discussions with the applicant, the proposed plans were amended to remove the canopy element of the proposal. As a result of the amendments to the design of the extension, the Coal Authority has withdrawn their objection, confirming that the proposed development would not encroach within the potential zones of influence of any mine shaft and now falls entirely outwith the defined Development High Risk Area.

5. Representation(s)

- 5.1. Statutory neighbour notification was undertaken and the proposal was advertised in the East Kilbride News for non-notification of neighbours. 21 representations and 4 comments letters were received. The points raised have been summarised below.

- a) **HGVs are always proving an issue using Dale Avenue and Spangler Crescent as a turning point. This is an area where children play.**

Response: This issue has been carefully considered by the Council's Roads and Transportation Development Management Team in discussion with the applicant's Roads Consultant. The site has space provision for the parking of HGVs within the site together with the introduction of additional loading areas. Conditions would be imposed to require the introduction of on-site HGV parking bays and for a review to be undertaken regarding on-street parking which may require the developer to provide for waiting restrictions at the access to the site.

- b) **HGVs queue outside the distribution centre causing danger to traffic entering and leaving the estate.**

Response: Please see response to a) above.

- c) **An extension to the existing premises would cause more lorries to park on the main road which blocks visibility leading to the housing estate.**

Response: The proposal has been carefully considered by the Council's Roads and Transportation Development Management Team in discussion with the applicant's Roads Consultant. The Council's Roads Engineer is satisfied with the additional HGV parking introduced to the site which will mitigate waiting of HGVs on Dale Avenue.

- d) **The Transport Statement appears to not include reference to trucks sitting outside the boundary for prolonged periods of time waiting to enter the depot. This is a regular occurrence. Also, vehicles parking overnight or parking on both sides of the road resulting in road and pedestrian safety issues.**

Response: During consideration of the application detailed discussions took place between the Council's Roads Engineer and the applicant's Transport Consultant. The Council are satisfied with the arrangement on the site where HGVs can park, obviating a requirement for vehicles to wait on the public road, Dale Avenue.

- e) **Impact on the new cycle path that has been developed with the parking for the cycle path less than 100m from the entrance to the distribution site. Vehicles block access to the cycle path.**

Response: With the provision of parking for HGVs within the site, the waiting of HGVs on Dale Avenue should not occur.

- f) **Due to the winding nature of Dale Avenue, an HGV parked at the side of the road considerably reduces visibility and the road becomes a blind corner due to the large vehicles blocking visibility. Sometimes they are parked on the wrong side of the road.**

Response: Please see response to a) above.

- g) **What is going to be done to ensure the road remains safe? It feels like an accident waiting to happen as the road becomes busier due to more people moving into the estate.**

Response: As advised above, the proposal has been carefully considered by the Council's Roads and Transportation Development Management Team in discussion with the applicant's Roads Consultant. The site has space provision for the parking of HGVs within the site together with the introduction of additional loading areas. Conditions would be imposed on any planning permission including a requirement to review on-street parking which may result in a requirement for the provision for waiting restrictions at the access to the site.

- h) **HGVs parking within the Camas Walk development on Dale Avenue and along the entrance way to the Tennent's site causes obstruction on the road and pavements. A plan should be put in place for a trailer park or more areas within the Tennent's distribution centre for HGVs to park and wait.**

Response: Space provision for the parking of HGVs within the site together with the introduction of additional loading areas has been included in the proposal. Conditions would be imposed on any planning permission including a requirement to review on-street parking which may result in a requirement for the provision for waiting restrictions at the access to the site.

- i) **HGVs waiting to get into the site results in litter left by the drivers while they wait which is disgusting.**

Response: The Council does not condone such behaviour. Given that the HGVs will be able to park within the site, this litter issue should be eliminated.

- j) **The residential development at the other end of Dale Avenue is currently under construction and more houses are proposed directly behind the Tennent's site. This will create an increase in heavy construction traffic in the short term and residential traffic in the long term which will further exacerbate the visibility issues on Dale Avenue.**

Response: While it is recognised that the building of additional houses will result in construction traffic, this is a temporary situation. All developments require to demonstrate to the Council's Roads Service, safe traffic management during construction. This would be monitored by the Council.

- k) **The road infrastructure on Dale Avenue is already insufficient to support the Tennent's factory. Going forward it should only be accepted with some conditions to improve the road safety. No waiting signs and or physical blockages should be erected and HGVs directed to park elsewhere on their rest breaks.**

Response: Please see response to a) above.

- l) **The applicant has failed to disclose two large outbuildings created during lock down. They are not featured on the plan. Concern that they have already started to implement the increased activities. Clarification sought that these structures are to be replaced by the application or are they in addition to the proposed changes.**

Response: These temporary tent-like structures were erected during the pandemic to enable the business to meet increased demand. Their position has been identified on a revised plan. These temporary structures will be removed and replaced by the permanent warehouse extension proposed. The removal of the temporary units will positively impact on the visual appearance of the site.

- m) **If the site is to be extended then it should be supported by a full Transport Assessment. If required alternative access or lorry parking provided within the site. There is a large staff car park which could be enhanced to provide off street lorry parking for example.**

Response: The Transport Statement lodged in support of the application was considered adequate to enable assessment of the proposal. In addition, further detailed discussions took place between the Council's Roads and Transportation Service Team and the applicant's Roads Consultant to clarify any outstanding issues.

- n) **Bogleshole Road should be explored as a new entrance and to facilitate vehicle parking.**

Response: Careful assessment of the proposal has taken place and the Council's Roads and Transportation Service Team are confident that the existing access arrangements are adequate and can operate satisfactorily.

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

6. Assessment and Conclusions

- 6.1. The application seeks planning permission for a large extension to the Tennent's existing distribution centre at Cambuslang. Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the site is within a core business and industrial area and forms part of the Council's industrial land supply. As a result, it is considered the proposals accord with the Council's spatial strategy.

6.2. There are a number of policies within SLLDP2 that are relevant to the assessment of this application. Policy 1 'Spatial Strategy' of the SLLDP2 states that the SLLDP2 will encourage sustainable economic growth and regeneration, protect and enhance the built and natural environment and move towards a low carbon economy and that this will be achieved, inter alia, by supporting development that accords with and supports the policies and proposals in the development plan. Policy 2 'Climate Change' of the SLLDP2 states that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. This proposal utilises brownfield land within the existing Tennent's distribution centre which is located close to the existing road network including motorway connection. Public transport routes are located nearby on Cambuslang Road. It is therefore concluded that the site is a sustainable location for development and it is considered that the proposed development supports the aims of Policy 2.

6.3. Policy 5 - Development Management and Placemaking states that development proposals should take account of and be integrated within the local context and built form. New development should also have no significant adverse impacts on the local community.

It is considered that as the site forms part of an existing industrial distribution premises that the new extension to the existing western elevation of the building would not appear incongruous and it has been designed to be in keeping with the existing adjoining building. The existing access linking with the existing road network is designed for industrial use by HGVs and adequate car parking, service yard including loading areas and HGV parking are accommodated within the site to serve the additional floorspace proposed. After careful and detailed consideration of the proposal, the Council's Roads and Transportation Services has advised that, subject to a condition at their discretion, relating to waiting restrictions, they have no objections to the proposed development. Environmental Services has noted a requirement for further contamination information to be provided in respect of the proposal. Conditions would be attached to any consent issued requiring these matters to be appropriately dealt with. It is therefore considered that it would not have any significant impact upon the amenity of the area and complies with Policy 5.

6.4. Policy 8 – Employment is also relevant. This states that sustainable economic growth will be encouraged through the identification of employment land use areas. It is considered that an extension to the existing Class 6 use at this location aligns with Policy 7 and would bring economic benefit and security to the Cambuslang area as promoted through SPP. The proposal supports this existing business' ongoing operations in this locale, supporting local jobs and the local economy. It is therefore considered that the proposal is acceptable in this instance and complies with Policy 8 of the SLLDP2.

7. Reasons for Decision

7.1. The proposal will have no adverse impact on amenity and complies with Policies 1, 2, 5 and 8 of the adopted South Lanarkshire Local Development Plan 2 (2021).

Alistair McKinnon

Interim Executive Director (Community and Enterprise Resources)

Date: 4 February 2022

Previous references

♦ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 8 September 2021
- ▶ Newspaper Advertisement dated 15 September 2021
- ▶ Consultations

Roads Development Management Team	28.09.2021
Environmental Services	17.09.2021
Roads Flood Risk Management	29.11.2021
Scottish Water	15.09.2021
The Coal Authority Planning and Local Authority Liaison Dept	15.11.2021

▶ Representations	Dated:
Mr Chris Townsley-Gray, 2 Hoover Drive, Cambuslang, Glasgow, G72 7EF	07.10.2021
Mr Kenny Hoggan, 5 Hess Grove, Cambuslang, G72 7FA	07.10.2021
Mr Andrew Orourke, 8 Spangler Crescent, Cambuslang, G72 7FD	07.10.2021
Mrs Margo Hutton, 7 Hess Grove, Cambuslang, G72 7FA	05.11.2021
Mr Paul Cooper-Cairns, 7 Thurman Way, Cambuslang, G72 7FF	07.10.2021
Mr David Bowie, 30 Spangler Crescent, Cambuslang, Glasgow, G72 7FD	07.10.2021
Miss Lauren Johnstone, 36 Spangler Crescent, Cambuslang, G72 7FD	07.10.2021
Ms Kelly Peacock, 1 Thurman Way, Cambuslang, Glasgow, G72 7FF	07.10.2021
Mr David Clark, 64 Hoover Drive, Cambuslang, Glasgow, G72 7EF	05.11.2021
Mr Alan Hutchison, 83 Dale Avenue, Cambuslang, G72 7EY	07.10.2021
Mr James Stirling, 10 Kirby Gardens, Cambuslang, Glasgow, G72 7ES	23.10.2021
Mr Chris Robertson, 99 Hoover Drive, Glasgow, G72 7EE	18.10.2021
Mr Daniel Wilson, 123 Dale Avenue, Cambuslang, G72 7EY	07.10.2021

Mrs Lynn O'Donnell, 86 Hoover Drive, Cambuslang, Glasgow, G72 7EF	07.10.2021
Mr Craig McIntosh, 30 Hoover Drive, Cambuslang, Glasgow, G72 7EF	06.10.2021
Mr Gordon McHendry, 8 Hoover Drive, Cambuslang, G72 7EF	07.10.2021
Miss Clare Haggerty, 104 Hoover Drive, Glasgow, G72 7EF	09.10.2021
Mrs Nicola Boyle, 102 Hoover Drive, Cambuslang, G72 7EF	09.10.2021
Mrs Denise Wilson-Logue, 60 Hoover Drive, Cambuslang, G72 7EF	10.10.2021
Mrs Sally Wilson-Logue, 60, Hoover Drive, Glasgow, G72 7EF	13.10.2021 13.10.2021
Ms Cara Morton, 19 Kirby Gardens, Cambuslang, G72 7ES	13.10.2021
Miss Shannon Lindsay, 90 Hoover Drive, Cambuslang, G72 7EF	10.10.2021
Dr Sean McGinty, 35 Hoover Drive Cambuslang, GLASGOW, G72 7EE	14.10.2021
Miss Nicola Muir, 99 Hoover Drive, Glasgow, G72 7EE	18.10.2021
Miss Liz McGeachy, 52 Hoover Drive, Cambuslang, Glasgow, G72 7EF	24.10.2021

Contact for further information

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

Maud McIntyre, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
Phone: 01698 455043
Email: maud.mcintyre@southlanarkshire.gov.uk

Conditions and reasons

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

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

02. That a review of on-street parking on Dale Avenue shall be undertaken 6 months after the development hereby approved becomes operational. The details of this review, including dates, methodology and duration, shall be agreed with the Council's Roads and Transportation Service prior to it being carried out.

Reason: In the interests of traffic and public safety.

03. That the on-street parking review (required under Condition 02.) shall be reviewed by the Council as Roads Authority and if unacceptable impacts relating to the operation of the approved development are identified the developer shall provide for waiting restrictions at the access to the site, details of which shall be agreed by the Council as Roads Authority and thereafter implemented to the satisfaction of the Council as Roads Authority, unless otherwise agreed.

Reason: In the interests of traffic and public safety.

04. That a minimum of 11 secure and covered cycle parking bays and 8 electric vehicle charging bays shall be provided.

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

05. That a minimum of 3 Heavy Goods Vehicle parking spaces shall be provided as shown in Drawing PL004 Rev C. These parking spaces shall be available for use throughout all hours of operation and for the length of any mandatory Heavy Goods Vehicle Driver rest breaks.

Reason: To prevent parking on the public road network

06. That no development shall commence until details of surface water drainage arrangements (including provision of a flood risk assessment, drainage assessment and maintenance responsibilities) have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and requirements (Appendices A, B, C, D & E). The development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.

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

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

08. The applicant shall ensure that all works carried out on site are carried out in accordance with the current BS5228:2009, 'Noise control on construction and open sites'. Prior to commencement of construction activities a detailed report identifying the projected noise impact at the nearest noise sensitive receptors shall be provided in accordance with the standard. The emissions at the Noise Sensitive Receptor shall be cumulative and shall include mobile and stationary plant and equipment. The noise from any haul roads on site shall also be included. Corrections shall be made for variables such as the operating time and the relative cumulative impact value. This shall be corrected for attenuation and shall be provided as an LAeq.1hr to be compared with either the pre-existing background level or using the ABC table within the British Standard.

The applicant shall further ensure that audible construction activities shall be limited to, Monday to Friday 8.00am to 7.00pm, Saturday 8.00am to 1.00pm and Sunday - No audible activity. No audible activity shall take place during local and national bank holidays - without the prior written approval of the planning authority.

Under exceptional conditions the above time restrictions may be further varied subject to written agreement with the council as Planning Authority.

Reason: In the interests of amenity.

09. The applicant shall provide written details of any proposed floodlighting scheme to the Planning Authority. Submissions shall include, where appropriate:

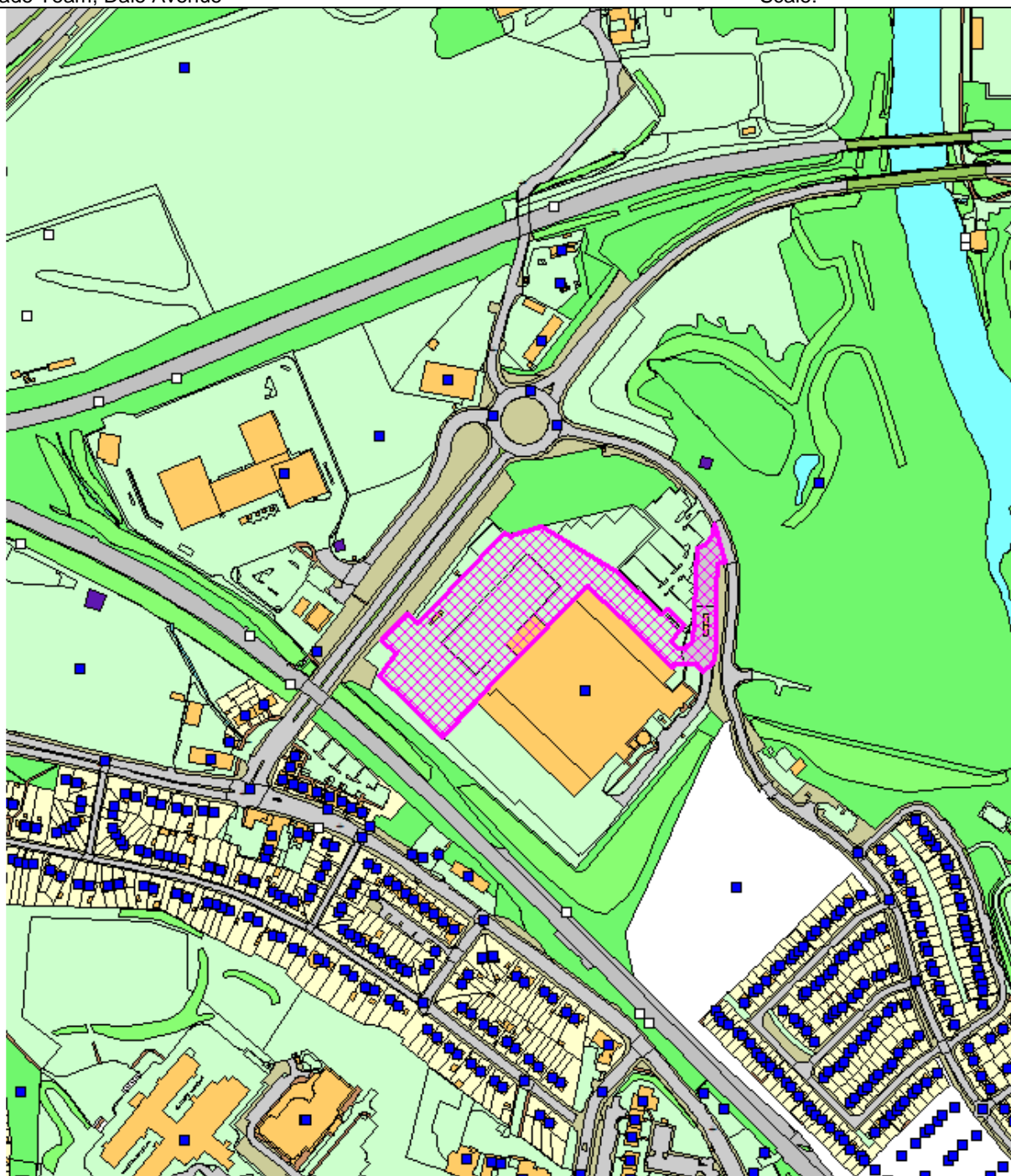
- A statement setting out why a lighting scheme is required, the proposed users, and the frequency and length of use in terms of hours of illumination;
- The type of lights, performance, height and spacing of lighting columns:
- A site survey showing the area to be lit relative to the surrounding area, the existing landscape features together with proposed landscaping features to mitigate the impacts of the proposed lighting.

Reason: In the interests of amenity.

Notification of planning application under regulation 18 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Trade Team, Dale Avenue

Scale:



KEY



Site Boundary



FOR INFORMATION ONLY

20 metre buffer area within which neighbours are notified by the Council



Neighbours notified

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Report

6

Report to:	Planning Committee
Date of Meeting:	15 February 2022
Report by:	Interim Executive Director (Community and Enterprise Resources)

Application no.	P/21/1126
Planning proposal:	Residential development of 203 dwellings with associated roads, footpaths, open space, land engineering operations, sustainable drainage and landscaping (Approval of matters specified in conditions)

1. Summary application information

Application type:	Approval of matters specified in conditions
Applicant:	Taylor Wimpey West Scotland and David Robert Lingard
Location:	Land 185M Northeast of Beechfield Manor Meikle Earnock Road Hamilton South Lanarkshire

2. Recommendation(s)

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

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

2.2. Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) This development is located within the Hamilton Community Growth Area and will be covered by the Planning Obligation which was agreed as part of the planning permission in principle application (HM/10/0052) for the site. The purpose of the Planning Obligation is to ensure the submission of an equitable financial contribution, on an agreed pro-rata basis, in relation to infrastructure and other costs associated with the Hamilton Community Growth Area, namely Roads Infrastructure, Education Provision, Community Facilities and Affordable Housing.

3. Other information

- ◆ Applicant's Agent: n/a
- ◆ Council Area/Ward: 18 Hamilton West and Earnock
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (Adopted)**
 - Policy 1 - Spatial Strategy
 - Policy 5 - Development Management and Place Making
 - Policy 7 - Community Infrastructure Assessment
 - Policy 11 - Housing Land
 - Policy 12 - Affordable Housing
 - Policy 14 - Natural and Historic Environment
 - Policy 15 - Travel and Transport
 - Policy 16 - Water Environment and Flooding
 - Policy SDCC2 - Flood Risk
 - Policy SDCC3 - Sustainable Drainage Systems
 - Policy SDCC4 - Sustainable Transport
 - Policy DM1 - New Development Design
 - Policy DM15 - Water Supply
 - Policy DM16 - Foul Drainage and Sewerage
 - Policy NHE 9 - Protected Species
 - Policy NHE18 - Walking, Cycling and Riding Routes
 - Policy NHE20 – Biodiversity

- ◆ **Representation(s):**

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

- ◆ **Consultation(s):**

Roads
Community and Enterprise Resources - Play Provision Community Contributions
Environmental Services
Education Resources
Scottish Water

Planning Application Report

1. Application Site

- 1.1. This application relates to an irregular shaped area of land located to the north and south of Meikle Earnock Road, measuring 1.2 hectares in area, a short distance to the south east of Hamilton. The site is roughly split in half by Meikle Earnock Road, with the southernmost part of the site wrapping around Broomknowe Farmhouse. The site forms part of the Hamilton Community Growth Area (HCGA) and consists of previously undeveloped farmland. The land undulates on both sides of Meikle Earnock Road and is bounded to the south by Cadzow Burn, woodland, agricultural land and housing to the north, new residential development to the east and existing residential properties to the west, along with a large electricity distribution site. Beyond the Cadzow Burn to the south is further farmland which is located within the HCGA and which is earmarked for future residential development.

2. Proposal(s)

- 2.1. The applicant seeks approval of matters specified in condition of planning permission in principle (HM/10/0052) granted for residential development and associated works within the HCGA. In terms of the detail of the proposal, the submitted layout shows the provision of 203 dwellinghouses within the site incorporating a variety of properties ranging from two bedroom semi-detached to five bedroom detached, two storey properties. The proposed dwellings would incorporate a variety of parking arrangements including integral or detached garages, driveway parking and parking courts to ensure each property had appropriate parking provision based on the number of bedrooms. The proposed finishing materials for the dwellings would be a mixture of red or grey concrete roof tiles, render and brick walls and UPVC windows.
- 2.2. The development is split into two halves due to the location of Meikle Earnock Road. Each part of the site would be accessed from Meikle Earnock Road and a new roundabout would be constructed on Meikle Earnock Road, which in the fulness of time will provide a link to a crossing over the Cadzow Burn and Strathaven Road beyond, through the southern part of the HCGA. The layout includes pockets of amenity open space in addition to a small play area and green corridors running along the site boundaries where appropriate. The site would incorporate sustainable urban drainage (SUDs) into its design.
- 2.3. A Woodland Management Plan, Tree Survey, Archaeology Report, Air Quality Assessment, Bus Strategy Report, Phase 1 Habitat and Protected Species Survey and a Bat Survey are among the documents which were submitted as supporting information.

3. Background

3.1. Local Plan Status

- 3.1.1. In determining planning applications, the Council must assess the proposals against the policies contained within the adopted South Lanarkshire Local Development Plan 2 (2021) (SLLDP2).
- 3.1.2. In terms of the SLLDP2, the application site is designated as being a Community Growth Area for Hamilton (Policy 1 - Spatial Strategy) and as forming part of the Council's housing land supply (Policy 11 - Housing Land). Residential uses are supported within such sites, subject to compliance with normal development management criteria.

3.1.3. A number of other policies within the adopted SLLDP2 are also considered appropriate to the determination of this application, namely, Policy 5 - Development Management and Placemaking, Policy 7 - Community Infrastructure Assessment, Policy 12 - Affordable Housing, Policy 13 - Green Network and Greenspaces, Policy 14 - Natural and Historic Environment, Policy 15 Travel and Transport, Policy 17 - Water Environment and Flooding, Policy SDCC2 - Flood Risk, Policy SDCC3 - Sustainable Drainage Systems, Policy SDCC4 – Sustainable Transport, Policy DM1 – New Development Design, Policy DM15 - Water Supply, Policy DM16 - Foul Drainage and Sewerage, Policy NHE 9 - Protected Species, Policy NHE18 - Walking, Cycling and Riding Routes and NHE20 - Biodiversity. The aim of these policies and guidance is to seek well designed developments which are located in appropriate locations, appropriately serviced and result in no adverse impacts.

3.1.4. The content of the above policies and how they relate to the proposal is assessed in detail in Section 6 of this report.

3.2. Relevant Government Advice/Policy

3.2.1. In terms of Housing, Scottish Planning Policy states that the planning system should enable the development of well designed, energy efficient, good quality housing in sustainable locations and allocate a generous supply of land to meet identified housing requirements across all tenures. New housing developments should be integrated with public transport and active travel networks, such as footpaths and cycle routes, rather than encouraging dependence on the car. New streets should connect well with existing streets and with walking and cycling networks and allow for links into future areas of development.

3.2.2. Designing Streets – A Policy Statement for Scotland supports Designing Places and was introduced in March 2010 and marks the Scottish Government's commitment to move away from a standardised engineering approach to streets and to raise the quality of design in urban and rural development. Development layouts should be designed to encourage a safe environment for pedestrians and cyclists with narrower streets, carefully positioned dwellings, landscaping and off-street parking which can be more effective at achieving slower traffic movements. Permeability which encourages walking is now seen as a high priority and footpath links are encouraged to ensure that houses can be easily accessed from main public transport routes.

3.3. Planning Background

3.3.1. The application site forms part of the designated Hamilton CGA (Planning in Principle application HM/10/0052) which was approved in May 2017, following the conclusion of the associated planning obligation under Section 75 of the Planning Act, in relation to infrastructure, education, affordable housing and community facilities associated with the Hamilton Community Growth Area.

3.3.2. It is noted that a number of detailed residential developments have been approved within the Hamilton CGA and works have commenced on site to deliver these proposals at Meikle Earnock Road and Highstonehall Road (application no(s). HM/16/0022, HM/16/0486, HM/17/0047, HM/17/0424, HM/18/0014 and P/19/1792).

4. Consultation(s)

4.1. **Roads** – have advised that following discussion minor amendments have been made to the layout and are now satisfied subject to a number of conditions.

Response: - It is considered that the matters raised can be addressed, in this instance, through the use of appropriately worded conditions and/or informatives attached, where appropriate, to any consent issued.

- 4.2. **Environmental Services** – have advised that they have no objections to the proposal subject to conditions and/or informatives relative to the undertaking of a site investigation, remediation of contamination, dust control and noise control.
Response: - Appropriately worded conditions and/or informatives can be added, where appropriate, to any consent issued.
- 4.3. **Community and Enterprise Resources (Play Provision):** - have confirmed that the proposal is acceptable in principle from a community/play provision perspective. However, any open spaces/play areas provided would not be adopted by the Council for future maintenance and as such private factoring would be required. They also note that there are several community assets within the local area which require investment due to the impact of the development.
Response: - Appropriately worded conditions and/or informatives can be added, where appropriate, to any consent issued in terms of play equipment provision. In terms of the requirement for a financial contribution toward existing facilities, it is confirmed that this matter would be the subject of a S75 Obligation in line with the wider Hamilton Community Growth Area contributions.
- 4.4. **Education Resources:** - have advised that a financial contribution towards educational accommodation would be required.
Response: - As noted above, this matter would be the subject of a legal agreement in line with the wider Hamilton Community Growth Area contributions.
- 4.5. **Scottish Water:** - have offered no objections to the proposal. However, they have advised that the applicants should complete, and submit to Scottish Water, a Pre-Development Enquiry (PDE) Form and that they will not accept any surface water connection to their combined sewer system.
Response: - An informative can be added to any decision issued to address these comments. The applicant is aware of these requirements.
5. **Representation(s)**
- 5.1. Statutory neighbour notification was undertaken and five representations were received. The points raised are summarised below:-
- a) **The development will impact on wildlife which currently uses the site, including badgers.**
Response: The application has been supported by appropriate wildlife surveys and no issues have been raised. Appropriate conditions will be attached to any consent to ensure any impacts on wildlife are avoided or suitably mitigated.
- b) **The development may impact upon and/or damage the water supply for Broomknowe.**
Response: Whilst this matter has been raised, the exact location of the water supply is not known at this time. It will be the responsibility of the developer to investigate this matter further and ensure that no issues arise once development commences on site.
- c) **The proposed access to/from Broomknowe is not suitable.**
Response: The application has been assessed by the Council's Roads Service and no issues have been raised.

- d) **The development will result in an increase in the amount of traffic in the area.**
Response: The application has been assessed by the Council's Roads Service and no issues have been raised. This site forms part of the Hamilton Community Growth Area and as such will result in a number of improvements throughout Hamilton to mitigate the impacts of additional traffic on the local road network.
- e) **There will be disruption to neighbouring properties during construction on site.**
Response: There will be a degree of disruption from any development and subject to good working practices being employed on site, the impacts on neighbouring properties will be minimised.
- f) **There is inadequate street lighting in the surrounding area at present.**
Response: This issue is noted and it is anticipated that the development will result in improvements to the street lighting in the surrounding area. In addition, the application has been assessed by the Council's Roads Service and no issues have been raised.
- g) **The development should incorporate suitable drainage proposals. The site boundary is also close to the outfall from an existing septic tank and there is an opportunity for the developer to extend the sewerage connections to neighbouring properties.**
Response: The application has been assessed by the Council's Roads Service and no issues have been raised. In addition, there will be a requirement for suitable drainage to be provided on site and controlled through an appropriately worded planning condition.
- h) **The junction of Meikle Earnock Road and Muttonhole Road should be upgraded to ensure that it is safe and fit for purpose.**
Response: The application has been assessed by the Council's Roads Service and no issues have been raised.
- i) **Suitable speed restrictions and traffic calming should be formed on Meikle Earnock Road and the surrounding area for the purposes of road safety.**
Response: The application has been assessed by the Council's Roads Service and no issues have been raised.
- j) **Suitable screening should be planted/retained at the boundary of the site with neighbouring residential properties.**
Response: It is not considered that any unacceptable overlooking or privacy issues will arise as a result of this development. However, landscaping conditions will be attached to any consent granted in order to ensure that appropriate planting is undertaken as part of the development.

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

6. Assessment and Conclusions

- 6.1. Permission is sought for the erection of a residential development, comprising 203 units and associated works, on the edge of Hamilton. The proposed development represents a continuation of residential development within the HCGA. Access to the application site would be taken from Meikle Earnock Road and it would form a continuation of existing residential development whilst also providing a link to a future

crossing over the Cadzow Burn which will allow an alternative route between Meikle Earnock Road and Strathaven Road to be formed as the HCGA progresses towards completion.

- 6.2. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning applications must be determined in accordance with the development plan unless other material considerations indicate otherwise. The determining issues in consideration of this application, therefore, are its compliance with national and local plan policy, and other applicable guidance, its impact on amenity and on the local road network. Furthermore, Scottish Planning Policy (SPP) highlights that where a proposal accords with an up-to-date development plan, it should be considered acceptable in principle.
- 6.3. The adopted South Lanarkshire Local Development Plan 2 (SLLDP2) identifies the application site as being within the Hamilton Community Growth Area (Policy 1) and forming part of the Council's housing land supply (Policy 11). It is considered that the proposals take account of wider visions that the Council has in respect of the Hamilton Community Growth Area and retains the ability to integrate well with the future development of the land surrounding the site, which forms part of the wider scheme. The principle of developing this site for housing is therefore acceptable, subject to compliance with normal development management criteria. The proposed development therefore raises no issues from a land use perspective and can be considered to accord with national planning policy.
- 6.4. The matters considered appropriate, in terms of development management criterion, are set out within Section 3.1.3 above. Principally, the stated policies and guidance seek to ensure that any development does not adversely impact on the amenity of such areas, can be adequately serviced and has been designed in a manner which takes account of appropriate guidance and the area within which it is located.
- 6.5. Having considered the design and layout of the development, it is considered that the scheme is capable of being developed, subject to conditions, without conflict with the general requirements of the applicable policies and guidance. The proposed development meets the main standards set out in the Council's Residential Design Guide, which provides additional advice and sets out the criteria against which new housing development should be assessed, particularly in relation to road layout, house to plot ratios, rear garden depths, open space and car parking provision. In addition, it is noted that the proposed dwellings are of a similar scale and style to those being developed elsewhere within the Hamilton CGA. The proposal therefore raises no concerns in terms of Policies 5 - Development Management and Place Making and DM1 – New Development Design. The layout, design and density of the development are considered to be acceptable.
- 6.6. The site has been assessed in terms of flood risk and drainage and will be developed in accordance with the principles of sustainable urban drainage and is considered acceptable. In addition, foul drainage will be treated in accordance with the specification and requirements of both Scottish Water and the Council's Flood Risk Management guidance. On this basis, it is considered that the proposal accords with Policies 16 - Water Environment and Flooding, SDCC 2 - Flood Risk, SDCC 3 - Sustainable Drainage Systems, DM15 - Water Supply and DM16 - Foul Drainage and Sewerage of the SLLDP and supplementary guidance.
- 6.7. In terms of potential impact on the natural environment and protected species (Policies 14 and NHE19), it is considered appropriate to require, prior to any works commencing on site, the undertaking of an assessment of the site, by an appropriately qualified

person, in terms of any potential impact on wildlife species and habitats. With regard to biodiversity, Policy NHE20, the applicants have submitted an ecological report in support of the application which notes that the site is of limited ecological value. However, the site has potential to support a range of species which, through appropriate mitigation measures, any impact can be minimised and addressed.

- 6.8. It is noted that the overall site will be integrated into existing and future networks through the use of Meikle Earnock Road. In terms of Policy NHE18 - Walking, Cycling and Riding Routes the proposal is, therefore, considered to raise no issues. With regards to Policy 15 – Travel and Transport and Policy SDCC4 – Sustainable Transport it is noted that a Bus Strategy Report was submitted in support of the application. This highlights that the site is accessible to existing and proposed footpath links and is in close proximity to regular bus services, which could be extended to serve the site and wider Community Growth Area. Furthermore, it notes that the impact of the proposed development, in terms of projected vehicular trips, would be limited.
- 6.9. There is a requirement to provide a contribution towards wider requirements associated with the site's designation as part of the HCGA. This is consistent with the requirements of Policy 7 - Community Infrastructure Assessment and these matters are covered by the existing Section 75 Planning Obligation which forms part of the planning permission in principle approval for the site. With regard to the provision of affordable housing, in accordance with Policy 12 - Affordable Housing, land has been allocated within the wider Hamilton CGA area and, therefore, there is no requirement within the current application site for such provision. However, a financial contribution would be required to assist in the provision of off-site accommodation.
- 6.10. In relation to road safety, it is noted that Roads and Transportation Services have offered no objections in this regard. Whilst noting Roads and Transportation Service's comments with regards to the submission of additional details, it has been agreed that this can be addressed through the use of conditions attached to any approval given.
- 6.11. In terms of impact on the amenity of the area, it is considered that the proposed development has been designed in such a manner that it will not be detrimental to the amenity or privacy of the area or the properties immediately adjoining the site.
- 6.12. In summary, it is considered that the application conforms to both national and local plan policy and that the proposal raises no significant environmental, infrastructure or road safety issues. Furthermore, the proposed works will contribute to the delivery of this part of the Hamilton CGA, which has been identified for residential purposes for over 10 years and will assist the Council in meeting its housing needs. On the basis of the above assessment, it is recommended that planning permission be granted subject to the conditions listed.

7. Reasons for Decision

- 7.1. The proposal accords with the policies of the South Lanarkshire Local Development Plan 2 (namely Policies 1 - Spatial Strategy, 5 - Development Management and Place Making, 7 - Community Infrastructure Assessment, 11 - Housing Land, 12 - Affordable Housing and Housing Choice, 14 - Natural and Historic Environment, Policy 15 - Travel and Transport, Policy 16 – Water Environment and Flooding, SDCC2 - Flood Risk, SDCC3 - Sustainable Drainage Systems, Policy SDCC4 – Sustainable Transport, DM1 – Design, DM15 - Water Supply, DM16 - Foul Drainage and Sewerage, NHE 9 - Protected Species and NHE18 - Walking, Cycling and Riding Routes).

7.2. There are no other material considerations that would justify the refusal of consent.

Alistair McKinnon

Interim Executive Director (Community and Enterprise Resources)

Date: 4 February 2022

Previous references

- ◆ HM/09/0348
- ◆ HM/10/0052 – Planning Committee – 28 March 2017

List of background papers

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

- ◆ Consultations

Community and Enterprise Resources – Play Provision	26.08.2021
Community Contributions	
Roads	28.09.2021
Environmental Services	14.09.2021
Education Resources	04.02.2021
Scottish Water	26.08.2021

◆ Representations	Dated:
Mrs Margaret Clark, Broomknowe Farm, off Meikle Earnock Road, Hamilton, ML3 8RN	21.08.2021
Mr and Mrs I Crawford, Beechfield House, Meikle Earnock Road, Hamilton, South Lanarkshire, ML3 8RN	13.09.2021
Mr John Munro, 300 Meikle Earnock Road, Hamilton, South Lanarkshire, ML3 8RW	26.08.2021
Mr Archie Clark, Broomknowe Farm, off Meikle Earnock Road, Hamilton, ML3 8RN	16.08.2021
Mr John Selfridge, Beechfield Manor, Meikle Earnock Road, Hamilton, ML3 8RN	19.08.2021

Contact for further information

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

Bernard Darroch, Area Manager, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455179

Email: bernard.darroch@southlanarkshire.gov.uk

Conditions and reasons

01. That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.

Reason - In the interests of amenity and in order to retain effective planning control.

02. 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 in writing by the Council as Planning Authority.

Reason - These details have not been submitted or approved.

03. That before any of the dwellinghouses situated on the site upon which a fence, approved under the terms of Condition 2 above, 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 this consent, shall be erected and thereafter maintained to the satisfaction of the Council.

Reason - In order to retain effective planning control.

04. Prior to the commencement of development on site, details of the proposed landscaping for the site shall be submitted for the written approval of the Planning Authority. Thereafter the open space/landscaping, as relates to the development hereby approved, shall be laid out in accordance with the approved details and simultaneously with the development and shall be completed, and thereafter be maintained and replaced where necessary, to the satisfaction of the Council as Planning Authority.

Reason: In the interests of amenity.

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

Reason - In the interests of amenity.

06. That before any work commences on the site details of a proposed equipped play area within the application site shall be submitted to the Council as Planning Authority for written approval and this shall include:-

- (a) details of the type and location of play equipment, seating and litter bins to be situated within the play area(s);
- (b) details of the surface treatment of the play area, including the location and type of safety surface to be installed;
- (c) details of the fences to be erected around the play area(s); and

(d) details of the phasing of these works.

Reason - To ensure the provision of adequate play facilities within the site and in order to retain effective planning control

07. That prior to the completion, or occupation, of the last dwellinghouses within the development all of the works required for the provision of equipped play area(s) included in the scheme approved under the terms of Condition 6 above, shall be completed, and thereafter, that area shall not be used for any purpose other than as an equipped play area.

Reason - In order to retain effective planning control

08. 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.

09. 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.

10. That before any work commences on site, a maintenance and management scheme shall be submitted to and approved by the Council as Planning Authority and it shall include proposals for the continuing care, maintenance and protection of:-

- (a) The proposed footpaths;
- (b) The proposed parking areas;
- (c) The proposed external lighting provided for the area(s);
- (d) The proposed play areas;
- (e) The proposed grassed, planted and landscaped areas;
- (f) The electrical vehicle charging points;
- (g) The proposed fences to be erected along the boundaries of the site.

Reason - To safeguard the amenity of the area.

11. That prior to the occupation of any dwellinghouse, hereby approved, the maintenance and management scheme approved under the terms of Condition 10 above shall be in operation.

Reason - To safeguard the amenity of the area.

12. That prior to any works commencing on site, or as otherwise agreed in writing with the Council as Planning Authority, a traffic management plan shall be submitted detailing, staff parking, wheel washing facilities, routing of traffic and phasing of the works. The submitted traffic management plan shall include provisions for the following:-

- That any detritus material carried from the site on to the public road network to be cleared by the applicant on a daily basis.
- Ensure the road network immediately adjacent to the site is kept clear of mud and debris, the applicant must ensure a road brush motor is made available throughout.
- The provision of adequate wheel washing facilities to be in operation at all times during any earth moving operations.
- That a "clean zone" should be maintained between the end of the wheel wash facility and the public road.
- A plan showing a turning area within the site, to enable vehicles to access and exit the site in forward gears.
- A plan showing the location and number of spaces for site staff / operatives.
- That Meikle Earnock Road via Muttonhole Road be used as the main route for construction traffic unless otherwise agreed.

The agreed traffic management plan will fully operational prior to any works commencing on site, thereafter implemented in accordance with the agreed scheme.

That during the construction period, all roads within the delivery route will be maintained by the applicant or repaired by the Council's Roads & Transportation Services and recharged accordingly

Reason - In the interest of road and public safety.

13. That a continuous 2 metre wide footway should be provided across the full frontage of the development site with Meikle Earnock Road and a 3m wide cycleway on the south side of Meikle Earnock Road. Prior to works commencing on site, details of which should be submitted to and agreed by the Council as both Roads and Planning Authority and thereafter implemented to the satisfaction of the Council's Roads Services.

Within any submitted scheme appropriate crossing points, incorporating dropped kerbs, should be provided on the proposed and existing footways and bus stops, incorporating shelters, should also be provided in both directions.

Reason - In the interest of road and public safety.

14. That prior to any works commencing on site, or as otherwise agreed in writing with the Council as Planning Authority, the location of proposed bus stop locations shall be agreed with the Council as Planning and Roads Authority. Thereafter the agreed scheme shall be fully implemented, prior to the occupation of any dwelling house hereby approved.

Reason - In the interest of road and public safety.

15. The applicant must meet the costs of promoting and if successful, implementing a Traffic Regulation Order to extend the existing 30mph speed limit to the southern boundary of the development (or other appropriate location as identified by Roads & Transportation Services). The implementation should include new gateway signing/features and speed limit countdown signage and road markings.

The internal development shall be promoted as 20mph speed limit with appropriate signage.

Reason - In the interest of road and public safety.

16. That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority, in consultation with Roads (Flood Risk Management Team).

That submitted details will include a drainage strategy detailing arrangements for the capture and treatment of surface water run-off to prevent debris and silts entering the surface water system.

The proposed 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 and be supported by a Flood Risk Assessment, which should include an assessment of the existing culvert to the north of the application site. Thereafter all works will be carried out in accordance with the agreed scheme to the satisfaction of the Council as Planning Authority, Roads (Flood Risk Management Team).

Reason - To ensure the provision of a satisfactory land drainage system.

17. That before development hereby approved is completed or brought into use, the new access shall be implemented on site and completed. The details of which shall be submitted to, and agreed by, the Council as Planning and Roads Authority prior to any works commencing on site, or as otherwise agreed by the Council. Thereafter the works will be carried out in accordance with the agreed works.

Reason - In the interest of public safety.

18. That parking provision for each house type shall be in accordance with the requirements on page 167 of the SCOTS National Roads Development Guide with all private vehicular driveways provided to the following standards:

- i) Driveways should be accessed via a drop kerb.
- ii) Parking space should be 6 metres by 3 metres. (For a garage to count as a parking space it must be 3 metres (including the entrance) by 7 metres.
- (iii) The first 2.0m of this should be of bound or block construction to ensure that loose material is not deposited on to the road.
- (iv) All driveways should be perpendicular to the road with 45 degree splays on either side (over verges).
- (v) The minimum gradient of the driveways should be 1:10.
- (vi) All surface water should be contained, controlled and discharged within the confines of the driveway so that there is no discharge of water onto the footway/road and compliant with SEPA and Scottish Water requirements.

Reason - To ensure the provision of adequate parking facilities to serve the development.

19. That before the development hereby approved commences on site, the applicant shall submit for the written approval of the Roads Authority a plan showing the required visibility splay information as referred to below.

- i) All junctions shall have a 2.4metre x 43metre visibility splay in each direction.
- ii) All driveways/parking bays onto adoptable roads shall have a 2metre x 20metre visibility splays in each direction within traffic calmed areas; and 2.0metre x 35metre elsewhere.

- iii) Pedestrian visibility splays of 2.4metres x 2.4metres (measured along heel kerb from both driveway edges) required at all driveways.
- iv) Forward visibility splays at speed bends shall be 15metres and 35metres at all other locations.
- v) No driveways/parking areas shall be located within the visibility splays referred to above.

Nothing over 900mm in height, i.e., trees, shrubs, walls etc., is permitted within any of the visibility splays referred to above.

Reason - In the interest of road and public safety.

20. That before the development hereby approved commences on site, the applicant shall submit for the written approval of the Roads Authority a plan showing that:

- i. all areas of carriageway and verge crossings within shared surface/monoblocked areas shall be formed to carriageway construction specially approved by the Council as Roads Authority.
- ii. areas of asphalt carriageway shall be formed in camber and all shared surface/monoblocked areas shall be formed in crossfall.
- iii. proposed levels layouts showing any slopes adjacent to the public road at gradients not exceeding 1 in 2 separated from the road/heel kerb edge by 0.5m level berm.
- iv. The provision of 1metre deep by 1.5metre wide grit bin hard standing areas located to the back of the heel kerb. These areas shall be constructed as per the footway construction. Where the carriageway is constructed as a shared surface the hard standing should be located within the service strip and be a minimum of 2m x 1.5m.

Reason - In the interest of road and public safety.

21. That:-

- (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.

22. That:-

- (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.

23. That before the development hereby approved commences on site, the applicant shall submit a Road Construction Consent application accompanied by a Stage 2 Road Safety Audit and Designer's Response.

Reason - In the interest of road and public safety.

24. That, unless agreed in writing with the Council as Planning Authority, the development hereby approved shall be undertaken in accordance with the recommendations contained within the Habitat and Protected Species Survey dated August 2021.

Reason: In order to ensure the protection of the specified species.

25. 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.

27. That the proposed Meikle Earnock Road roundabout shall be designed in accordance with the DMRB (CD 116), and be accompanied by a Stage 2 Road Safety Audit before works commence on site. It shall be demonstrated that the proposed traffic flows can be accommodated. Following completion, a stage 3 safety audit shall be undertaken.

Reason: In the interest of road and public safety.

28. That before work commences on site, a phasing plan detailing the infrastructure works shall be submitted for the written approval of the Planning Authority. The plan shall demonstrate that the improvements to Meikle Earnock Road (widening with cycleway/ footway) along with the link towards the Cadzow Burn (new spine road) is constructed during the first phase of development. The plan shall detail the extent of the works to ensure a connection can be made to the next section of the spine road.

Reason: In the interest of road and public safety and to ensure that the development is suitably connected to the wider HCGA.

29. That no trees within the application site shall be lopped, topped, pollarded or felled, or otherwise affected, without the prior written consent of the Council as Planning Authority.

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

30. That unless otherwise agreed, 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 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.
- e) 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.

- f) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- g) A specification for scaffolding and ground protection within tree protection zones.
- h) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- i) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
- j) Boundary treatments within the RPA
- k) Methodology and detailed assessment of root pruning
- l) Arboricultural supervision and inspection by a suitably qualified tree specialist
- m) Reporting of inspection and supervision
- n) Methods to improve the rooting environment for retained and proposed trees and landscaping

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.

31. That unless otherwise agreed, before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Council as Planning Authority to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the Council as Planning Authority.

Reason: To ensure that the Council as Planning Authority are satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details.

32. The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in condition 23 above, shall be submitted for approval in writing by the Council as Planning Authority within 28 days from completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.

Reason: To ensure compliance with the approved tree protection and arboricultural supervision details.

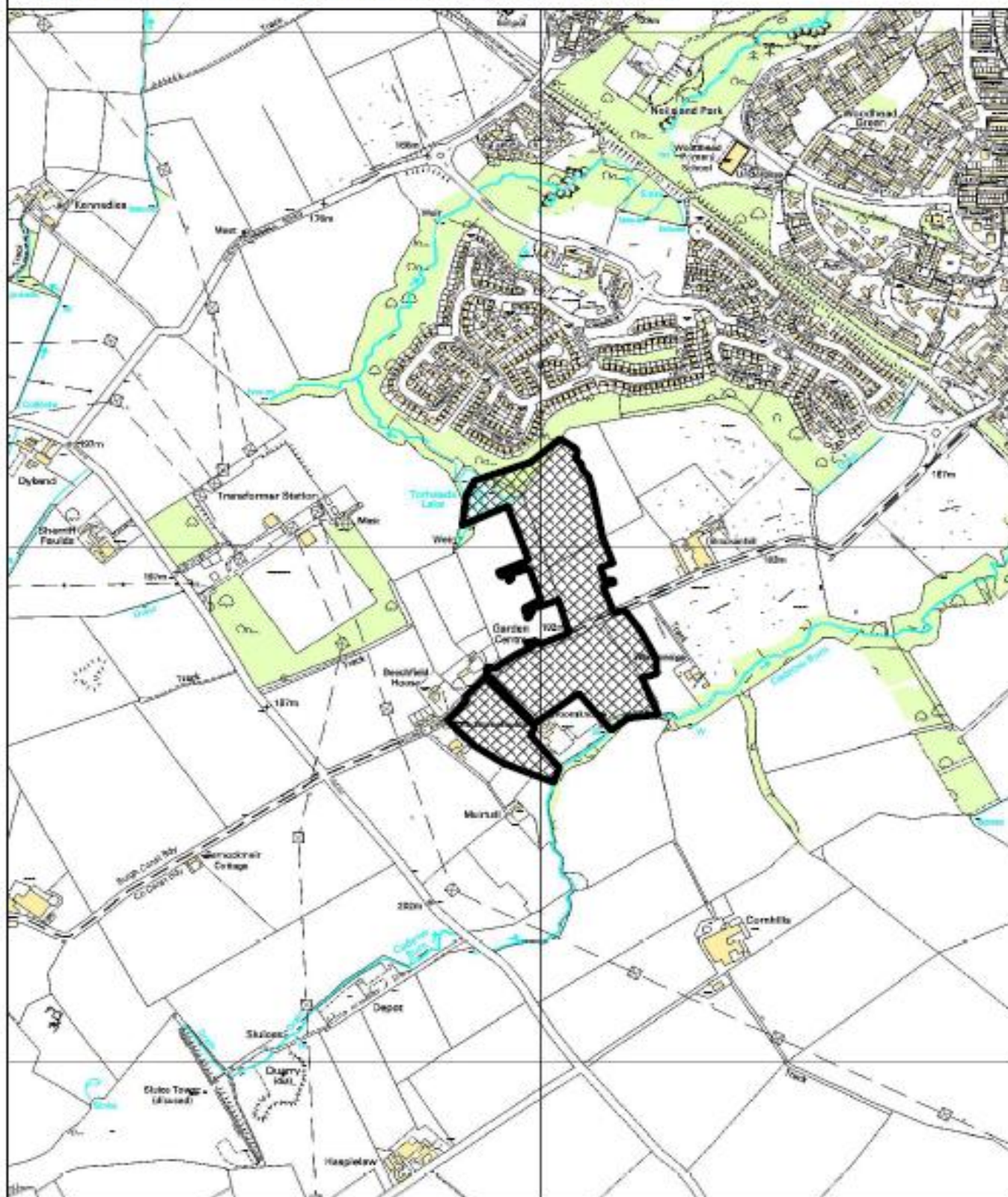
33. Unless otherwise agreed in writing and prior to works commencing on site, the applicant shall submit details to demonstrate each dwelling has access to their own electric vehicle charging (EVC) point. Where parking is provided within a shared courtyard details shall also include arrangements for siting charging posts, taking account of parking bays, boundary features, pedestrian movement along with maintenance arrangements all for the written approval of the Council as Planning Authority. Thereafter the agreed EVC provision shall be installed, commissioned and

maintained in accordance with the approved plans and specifications prior to that property which it serves being occupied.

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

P/21/1126

Land 185M Northeast of Beechfield Manor, Meikle Earnock Road, Hamilton



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Scale:
1:10,000
Date:
26/01/2022



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

7

Report to:	Planning Committee
Date of Meeting:	15 February 2022
Report by:	Interim Executive Director (Community and Enterprise Resources)

Application no.	P/21/1053
Planning proposal:	Erection of fence within front garden of dwellinghouse (retrospective)

1. Summary application information

Application type: Detailed planning application

Applicant: Miss Nicola Gray
Location: 74 Kirkhill Gardens
Cambuslang
G72 8EZ

2. Recommendation(s)

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

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

2.2 Other actions/notes

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

3. Other information

- ◆ Applicant's Agent: None
- ◆ Council Area/Ward: 13 – Cambuslang West
- ◆ Policy Reference(s): South Lanarkshire Local Development Plan 2 (adopted 2021)
Policy 3 – General Urban Areas and Settlements
Policy 5 – Development Management and Placemaking
Policy DM1 – New Development Design

◆ Representation(s):

◆ ▶	6	Objection Letters
◆ ▶	1	Support Letters
◆ ▶	0	Comment Letters

- ◆ Consultation(s): Roads and Transportation Services

Planning Application Report

1. Application Summary

- 1.1 The application relates to a semi-detached dwellinghouse at 74 Kirkhill Gardens in Cambuslang. This property is attached to 72 Kirkhill Gardens, the opposite side of which is a public footpath leading to an open space behind the properties. The property sits within a cul-de-sac and is in an established residential area. The building line of no. 74 (and 72) is set back by approximately 7m in comparison to the neighbouring properties at no's 76 and 78 to the south. The cul de sac has a continuous footway to the front of all the properties in it.

2. Proposal(s)

- 2.1 The application seeks detailed retrospective permission for the erection of a fence that has been erected on the boundary between 74 and 76 Kirkhill Gardens. The fence has an approximate height of 1.97m which then drops to 1.26m at the point it adjoins the front elevation of the adjoining property at 76 Kirkhill Gardens. It is a double sided slatted fence with vertical timber panels. The fence is of a traditional design and appearance.
- 2.2 The applicant erected the fence under the impression that it benefitted from permitted development rights under Class 3E of Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011. This class allows fences to be erected up to 1m in height where they sit forward of the building line of principal elevation of a house without needing planning permission.

3. Background

3.1 Development Plan Status

- 3.1.1 The application site is on land identified as General Urban Area within the adopted South Lanarkshire Local Development Plan 2 (SLLDP2) 2021 and contains the following policies against which the proposal should be assessed. Policy 3 – General Urban Areas and Settlements, Policy 5 – Development Management and Placemaking and Policy DM1 – New Development Design.

3.2 Planning Background

- 3.2.1 There have been no previous planning applications submitted at this site.

4. Consultation(s)

- 4.1 **Roads Development Management Team** – advised that the location of the fence, and the fact that 74 Kirkhill Gardens is located within a cul-de-sac, mean that forward visibility is unlikely to be impacted and the fence is not likely to be a hazard for those driving along Kirkhill Gardens. The height of the fence does, however, mean that there may be an impact on the achievable visibility of vehicles exiting the driveways of both 74 and 76 Kirkhill Gardens. The visibility splay requirements of each driveway is 2m x 35m measured from the channel of the carriageway for vehicles and 2.4m x 2.4m measured from the heel of the footway for pedestrians. The maximum height of any object within these visibility splays should be 0.9m. The applicant has submitted sketches plotting the visibility splays which found that, should the fence be no more than 0.9m in height for the first 1.18m behind the heel of the footway the required visibility would be achievable. The applicant is proposing to reduce the first 1.92m of the fence behind the rear of the footway to 0.9m in height which is in excess of the found requirements and would be acceptable. Roads and Transportation Services have no objections to the development so long as the fence is reduced in height to 0.9m for the first 1.92m of fencing behind the rear of the footway.

Response: Noted. A condition would be attached to the planning permission if granted to require the height of the fence to be reduced within one month of the date of the consent.

5. Representation(s)

5.1 Following the carrying out of statutory neighbour notification six letters of objection and one letter of support have been received. The grounds of representation are summarised below.

a) The land register certificate states that “there shall be no walls or fences in front of the building line of any nature other than where screen fence adjoined a public footpath and are erect by us” ie. the original developer. The housing estate was never designed to have fences around the front gardens, the layout isn’t conducive to fencing at the front and has always been open plan for a very good reason.

Response: The contents of title deeds are a separate civil matter and are not a material consideration for the assessment of the planning application. In addition, there is evidence that a condition was attached to the original planning permission for the estate preventing the erection of fences at the front of properties. Notwithstanding the applicant has lodged this planning application for such a proposal and the development’s impact on the estate’s design and layout requires to be assessed. This matter will be fully considered in the Assessment and Conclusion section below.

b) This application goes against the natural environment of the cul-de-sac and undermines its established character. The fence looks horrific and doesn’t fit in with the look of the houses.

Response: The impact on the character of the area will be fully considered in the Assessment and Conclusion section below.

c) The view from the side and front window of number 76 is ghastly as it looks directly onto a 2 metre high fence.

Response: The highest part of the fence does not directly face the front elevation of 76 Kirkhill Gardens as it sits behind the building line of that property. It does face the side of this property where views of the fence can be seen directly from a side ground floor window. However, the right to a view is not a material planning consideration and is not grounds to refuse a planning application. In any event this kind of relationship is common within housing estates.

d) The occupiers of 76 Kirkhill Gardens are unable to use their driveway as they can no longer open car doors. This has resulted in cars being parked on the street. It is not only a nuisance to neighbours but extremely unsafe. and makes parking cars in respective driveways difficult for residents and creates general congestion in the street.

Response: The general nature of adjoining driveways means it is often the ‘air space’ of the neighbouring driveway that is utilised in order to get in and out of vehicles by allowing car doors to open. Walking on an adjoining driveway is not uncommon when manoeuvring in and out of vehicles. The introduction of the fence has caused difficulties for the occupants of 76 Kirkhill Gardens in using their driveway as they are now unable to properly open car doors. The objectors have not indicated that the fence has been erected outwith the title of the applicant’s ground and it is noted that prior to the erection of the fence a monoblock edging stone acted as a visual marker between the two driveways. The fence has been erected on the same line as the edging stone and therefore wholly within their ownership. While cars associated with 76 Kirkhill Gardens are parking on the road

instead of the driveway there are no parking restrictions in place on the street. Roads and Transportation Services have raised no objection to this impact. It is therefore considered that it would not be reasonable to refuse the planning application for this reason.

- e) **Visibility is poor for reversing out of the driveway. It is a danger to both the public who may be using the pavement to push a pram or small child/adult who are out walking.**

Response: Roads and Transportation Services were consulted on the application and advised that they have no objections to the application as long as part of the fence is reduced to 0.9m. The applicant has agreed to carry out this work and should planning permission be granted, an appropriate planning condition will be imposed to control this matter.

- f) **This application would appear to be at odds with the basic principle of Scottish Government policy namely “Designing Streets: A policy statement for Scotland” more specifically “Public fronts, private backs”. By allowing a 2 metre high fence in the front garden of this cul-de-sac, the Local Authority would in effect be giving the green light for householders to turn their front garden in this housing estate into a concrete ghetto.**

Response: The fence runs parallel to the side of the house and does not enclose the front garden or property. The document referenced does not prevent fencing in front gardens. The impact of the retrospective development on the design of the estate will be fully considered in the assessment and conclusion section below.

- g) **This should have been sorted out by the planning office right at the beginning of the dispute instead of wasting tax paying money and causing stress to all the neighbours.**

Response: Permitted development rights enable a fence to be erected within the front curtilage of a house up to a maximum height of 1m when measured from ground level. Following a complaint being received in March 2021, a site visit determined a breach of planning control had occurred as the fence was higher than 1m. To address this breach, a retrospective planning application was submitted by the applicant. As is standard practice until a decision is made on the application, enforcement action will not be taken.

- h) **Many children use the lane next to no 72 to access the grass park area and the children are having to cross between parked cars. This is dangerous**

Response: There are no on street parking restrictions that prevent parking within the street. Furthermore, after consultation Roads and Transportation Services have no objection to the planning application. In addition, there is a continuous footpath within the cul de sac to prevent the general public having to walk on the road.

- i) **If other home owners see this being acceptable and start erecting these fences it will cause further chaos, imposing an immense road safety risk for all living in the estate.**

Response: Fences (and other means of enclosure), are generally, of varying designs and do not all have the same impact. In circumstances where fences are erected which exceed permitted development rights and require planning permission, their impact on amenity and road safety would be assessed on a case by case basis. The impact of this development will be fully considered in the Assessment and Conclusion section below.

6. Assessment and Conclusions

- 6.1 The application seeks detailed retrospective planning permission for the erection of a fence within the front curtilage of a dwellinghouse at 74 Kirkhill Gardens, Cambuslang. The main issues in determining the application are whether the proposals comply with planning policy, in particular in relation to the impact on the character and amenity of the area and on road safety.
- 6.2 In assessing the application, consideration must be given to the policies and guidance within the South Lanarkshire Local Development Plan 2 (SLLDP2). The application site is designated as being within a general urban area within which Policy 3 advises developments which would be detrimental to the amenity of residents and the wider community or to the character of the surrounding area will not be permitted. Each proposal is to be judged on its own merits. Policy 5 - Development management and placemaking of SLLDP2 states that proposals should be well designed and integrated with the local area. New development should have no unacceptable significant adverse impacts on the local community and the environment. Further guidance is provided within Policy DM1 – New Development Design.
- 6.3 In assessment of the above policies with regard to this planning application it is noted that adjoining driveways within the estate are generally free from such fencing along the mutual boundary. The erection of the fence to the side of 74 Kirkhill Gardens therefore does not appear to be part of the estate's original design. However, it is noted that there are other properties located in Kirkhill Gardens and also the wider residential area that have erected fences and walls to visually and physically separate driveways. A precedent for this type of development has therefore already occurred. Furthermore, the placement of the fence – running parallel to the house and not the pavement – has meant an enclosing effect to the property or its front garden has not been created. Therefore, it is not considered that the open-plan nature of the street has been adversely affected.
- 6.4 In terms of impact on streetscene, it is not considered that the fence has a dominant impact largely due to its reduced height when forward of 76 Kirkhill Gardens. The visual impact of the fence is most noticeable when viewed from properties north of 74 Kirkhill Gardens (those that are located next to the turning head of the cul-de-sac). Due to the recessed building line of houses adjacent to the application site, a greater extent of fence is visible when 'looking up the street' than when looking down. In any event number 76 acts as a backdrop to the fence which further reduces the impact. A planning condition will therefore be imposed requiring the fence to be stained in order to soften its impact on the streetscape, should planning permission be granted. The fence is well constructed being double sided with vertical slats. Timber is a common material for this type of development and is an acceptable boundary treatment for the development. The suggested planning condition requiring the fence to be stained will also ensure it has a finished appearance.
- 6.5 It is recognised that the occupants of 76 Kirkhill Gardens have been most affected by the development. It has made the use of their driveway difficult as they are unable to open car doors properly. This has resulted in their cars parking on the street and a number of concerns have been lodged in terms of impact on safety. However, under permitted development rights a fence up to 1m in height could be erected without the need for planning permission which would have resulted in this scenario. There are no restrictions preventing on street parking. In addition, Roads and Transportation Services had no objection to the development subject to a reduction in height of the fence to 0.9m in height for the first 1.92m of length of fence from the back of the footpath to ensure appropriate sightlines are achieved. An appropriate planning condition has been attached to control this matter. On this basis, whilst the objectors'

concerns are noted, it is not considered that the planning application can be refused on these grounds.

- 6.6 Based on the above, it is considered that, subject to the attached planning conditions, the application conforms to the policies of the South Lanarkshire Local Development Plan 2 and does not have a significant adverse impact on residential amenity or public safety. The letters of representation are noted, however, the matters raised are not considered to be sufficient to justify refusal of the planning application for the reasons outlined above. It is therefore recommended that planning permission is granted.

7. Reason for Decision

- 7.1 The proposal is in compliance with Policies 3, 5 and DM1 of the South Lanarkshire Local Development Plan 2 and would not be detrimental to public safety or have a significant adverse effect on amenity. There are no other additional material considerations which would justify refusing planning permission.

Alistair McKinnon

Interim Executive Director (Community and Enterprise Resources)

Date: 20 January 2022

Previous references

- ◆ None

List of background papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 09.06.2021
- ▶ Consultations

Roads and Transportation Services

Dated:
23.08.2021
28.09.2021
16.11.2021

▶ Representations

John Mair, 58 Kirkhill Gardens, Cambuslang, Glasgow, South Lanarkshire, G72 8EZ

Dated:
30.06.2021

Mr G McNiven, 78 Kirkhill Gardens, Cambuslang, Glasgow, South Lanarkshire, G72 8EZ

Dated:
25.06.2021

Harry McCarroll, 76 Kirkhill Gardens, Cambuslang, Glasgow, South Lanarkshire, G72 8EZ

Dated:
30.06.2021

John Smith, 72 Kirkhill Gardens, Cambuslang, Glasgow, South Lanarkshire, G72 8EZ

Dated:
29.06.2021

Miss Melissa McCarroll, 76 Kirkhill Gardens, Glasgow, G72 8EZ

Dated:
01.07.2021

John Smith, 72 Kirkhill Gardens, Cambuslang, Glasgow, South
Lanarkshire, G72 8EZ

Dated:
11.01.2022

Deborah Stevenson, 7 Kirkhill Terrace Glasgow

Dated:
30.06.2021

Contact for further information

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

Holly Brown, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3
6LB

Phone: 01698 455060

Email: holly.brown@southlanarkshire.gov.uk

Planning Application**Application number:** P/21/1053**Conditions and reasons**

01. That within 1 month of the date of the consent the applicant shall reduce the height of the fence to 0.9m for the first 1.92m of the fence behind the heel of the footway of Kirkhill Gardens to the satisfaction of the Council as Planning Authority.

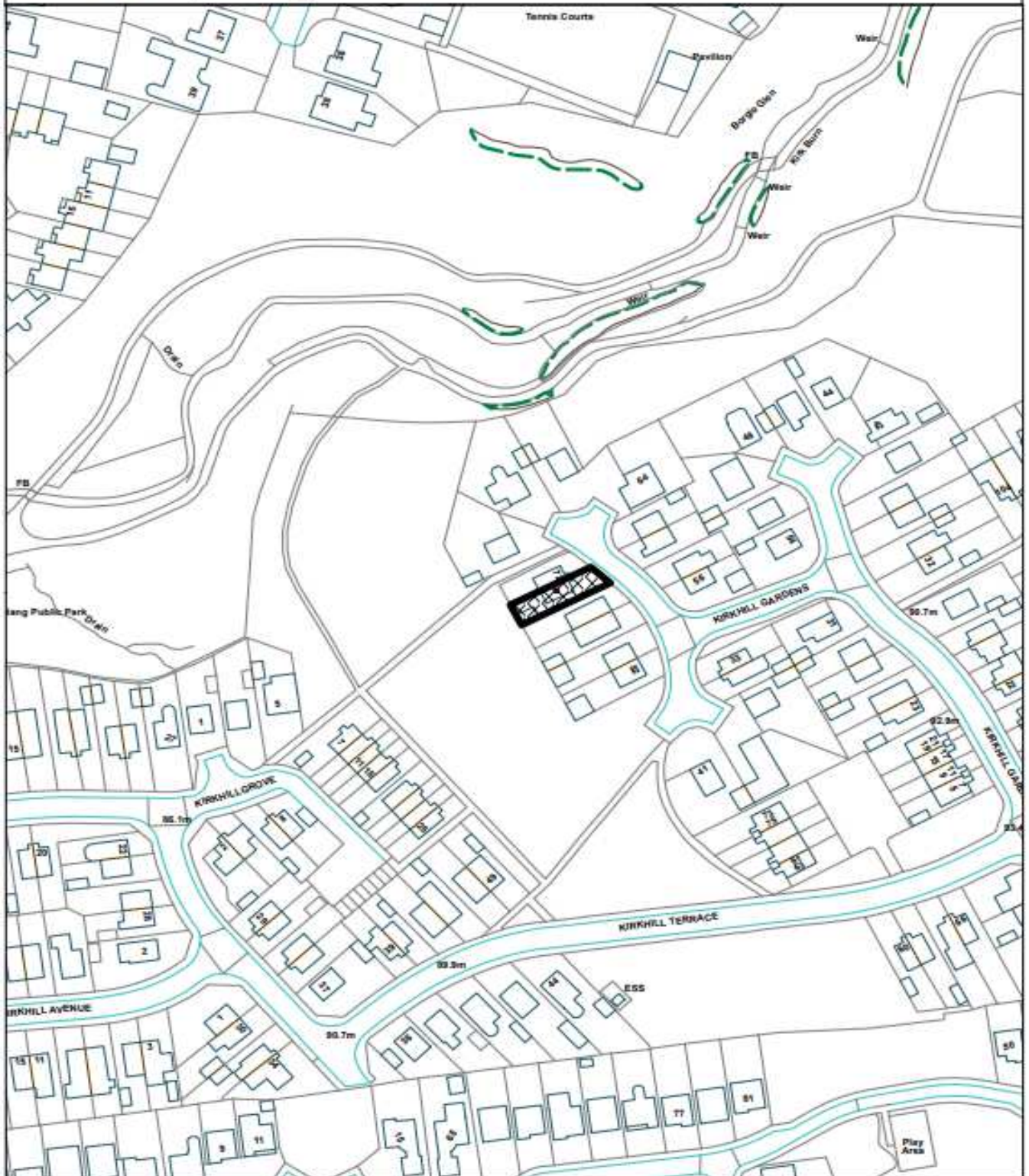
Reason: In the interests of traffic and public safety

02. That within 1 month of the date of this consent the applicant shall agree in writing the finished colour/stain of the fence hereby approved. For the avoidance of doubt the paint/stain will be a dark colour such as brown or dark grey. Thereafter, unless otherwise agreed in writing, within 3 months of the date of this consent, the applicant shall paint/stain the fencing using the agreed colour/stain to the satisfaction of the Council as Planning Authority.

Reason: To safeguard the residential amenity of the area.

P/21/1053

74 Kirkhill Gardens, Cambuslang



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Date:
14/01/2022



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

8

Report to:	Planning Committee
Date of Meeting:	15 February 2022
Report by:	Interim Executive Director (Community and Enterprise Resources)

Application no.	P/21/1869
Planning proposal:	Substitution of house types and erection of additional 10no. dwellings (115 in total) at previously approved housing development with associated landscaping and parking (amendment to CR/14/0155) (POD 2E)

1. Summary application information

Application type:	Detailed planning application
Applicant:	Barratt West Scotland
Location:	Land 135M Northwest of 1 Foxglove Grove Harvester Avenue Cambuslang South Lanarkshire

2. Recommendation(s)

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

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

2.2 Other actions/notes

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

3. Other information

- ◆ Applicant's Agent: EMA Architecture and Design
- ◆ Council Area/Ward: 14 Cambuslang East
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (Adopted 2021)**
Policy 1 - Spatial Strategy
Policy 2 - Climate Change
Policy 3 - General Urban Areas
Policy 5 - Development Management and Placemaking
Policy 11 - Housing

◆ **Representation(s):**

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

◆ **Consultation(s):**

- Roads Development Management Team
- Roads Flood Risk Management
- Environmental Services
- Scottish Water
- SP Energy Network
- Halfway Community Council

Planning Application Report

1. Application Site

- 1.1 This application relates to a proposed residential development of 115 dwellings on land located within the Community Growth Area (CGA) in Newton. The site lies on the northern side of the masterplan site approved under application CR/09/0139; a Planning Permission in Principle (PPP) application for a mixed-use development, including residential, community facilities, open space, distributor road, primary school and neighbourhood retail centre. A subsequent approval of reserved matters application was granted in 2015 under application CR/14/0155 which allocated this site as phase 2E of the overall CGA and also granted 105no. dwellings on the site.
- 1.2 The application site extends to approximately 3.85 hectares and is bounded to the east by Pod 2D and to the south by Pod 2G both of which are complete. Pod 2F is situated to the west of this site, however, no application has been submitted for this site yet. To the north of the site is open grassland and a drainage pond. The site is adjacent to the main arterial road serving the CGA which is nearly complete.

2. Proposal(s)

- 2.1 The applicant, Barratt West Scotland, propose the substitution of house types and erection of an additional 10no. dwellings (115 in total) with associated landscaping and parking as an amendment to application CR/14/0155. As required by the masterplan, the development will incorporate the principles of Sustainable Urban Drainage (SUDs) with drainage ponds located to the north of the site close to the River Clyde, within a proposed riverside park. A number of supporting documents including a Design and Access Statement, Habitat Survey, Dust Management report, Flood Risk Assessment and Ground Survey have previously been submitted as part of the PPP consent granted in 2014. The layout of the site will follow the principles of 'Designing Streets' which gives pedestrians priority over vehicles. The site will primarily be accessed from the new arterial road.

3. Background

3.1 Local Plan Status

- 3.1.1 In terms of land use, the site is identified within the South Lanarkshire Local Development Plan 2 (Adopted 2021) as forming part of the designated Community Growth Area in Newton and is allocated as a Proposed Housing Site. As such, the following policies are all relevant to the assessment of this development:-

- Policy 1 - Spatial Strategy
- Policy 2 – Climate Change
- Policy 5 – Development Management and Placemaking
- Policy 7- Community Infrastructure Assessment
- Policy 11 – Housing
- Policy 16 – Water Environment and Flooding
- Policy DM1 – New Development Design

3.2 Relevant Government Advice/Policy

- 3.2.1 Relevant Government guidance is set out within the consolidated Scottish Planning Policy (SPP) 2014 and National Planning Framework 3 (NPF3). NPF3 aims to facilitate new housing development, particularly in areas where there is continuing pressure for growth. SPP introduces a presumption in favour of development that contributes to sustainable development. In terms of residential development, the SPP advises that the planning system should enable the development of well designed, energy efficient, good quality housing in sustainable locations and allocate a generous supply of land

to meet identified housing requirements. The Council must also maintain a five-year supply of effective housing land.

3.3 **Planning Background**

- 3.3.1 Planning permission in principle was granted for the site under CR/09/0139. The first 5 pods (2A-E) were granted as per Approval of Matters Specified in Conditions on 28 January 2015 (CR/14/0155) and are nearly complete other than Pod 2E to which this application relates. Pods 2H and 2G are well under construction and Pods 2I and 2J are nearing completion. The final housing site application (Pod 2F) has yet to be submitted.

4. **Consultation(s)**

- 4.1 **Roads Development Management** – no objections subject to conditions relating to grit bins, visibility and submission of a Traffic Management Plan.

Response: Noted. Appropriate conditions can be attached to any consent issued.

- 4.2 **Roads Flooding Section** – no objections subject to conditions related to the provision of a SUDs drainage system.

Response: Noted. Appropriate conditions can be attached to any consent issued.

- 4.3 **Environmental Services** – no objections.

Response: Noted.

- 4.4 **Scottish Water** – no objections.

Response: Noted.

- 4.5 **SP Energy Networks** – no objections.

Response: Noted.

- 4.6 **Halfway Community Council** – no response received to date.

Response: Noted.

5. **Representation(s)**

- 5.1 Statutory neighbour notification was undertaken and the proposal was also advertised in the local press for neighbour notification purposes. Following this, two letters of representation have been received, the points of which are summarised below:-

- a) **The landscaping plans submitted with the application show a type of tree to be located on Plot 20 (adjacent to No's 5-7 Poppy Gardens) which is known to be dense and invasive, with aggressive roots. This will block sunlight, result in fallen foliage and reduce enjoyment of the existing properties. No trees were shown to be planted here previously.**

Response: This has been raised with Barratt West Scotland who have confirmed they will revise the landscaping plan relating to this tree. Should permission be granted, a condition will be attached for further landscaping details to be submitted and agreed in writing.

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

6. **Assessment and Conclusions**

- 6.1 Barratt West Scotland seek consent for the substitution of house types and the erection of an addition 10no dwellings (115 in total) with associated landscaping and parking. As detailed above, the site benefits from Permission in Principle (CR/09/0139) and reserved matters application (CR/14/0155), therefore, the principle

of the development has already been established and this assessment relates to details of the housing layout incorporating 10no. additional plots and associated works. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that all planning applications are determined in accordance with the development plan unless other material considerations indicate otherwise. Therefore, the determining issue in the assessment of this proposal is its compliance with local development plan policy and any other material considerations.

- 6.2 In this case, the adopted South Lanarkshire Local Development Plan 2 (2021) identifies the site as being within a community growth area as defined by Policy 1 – Spatial Strategy. The site is also allocated as proposed housing land (Policy 11 – Housing) to reflect the designation of the CGA. Therefore, in general land use and policy terms, the principle of the development is acceptable.
- 6.3 In respect of Policy 7 - Community Infrastructure Assessment, the CGA will deliver a number of improvements through planning obligations. These include affordable housing, open space and road improvements. The relevant Section 75 agreement has already delivered a new primary school, community facility and roundabout at the junction of Westburn Road and Westburn Drive. In addition, the CGA will provide a further roundabout at the junction of Calder Road and Blantyre Farm Road and a future retail facility. The proposal, therefore, complies with Policy 7 in relation to Community Infrastructure.
- 6.4 Policy 5 – Development Management and Placemaking advises that to ensure all developments take account of the principles of sustainable development, all proposals require to be well designed and integrated with the local area. Policy 2 – Climate Change also seeks to ensure that developments seek to minimise and mitigate against the effects of climate change and that development does not result in any significant environmental or amenity impacts. Policy DM1 – New Development Design also requires development to promote quality and sustainability in design and layout. The Council's Residential Development Guide (RDG) (2011) is also relevant and provides guidance on the design and layout of new housing developments.
- 6.5 As such, the application for 115 dwellings will include a mix of 9no. housetypes consisting of 3 and 4 bed detached, semi-detached and terraced properties served by an access from the arterial road. In terms of the policies above and the Council's Residential Development Guide, 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. Furthermore, the plots can meet the requirements in terms of window-to-window distances, plot ratio and parking requirements of the RDG. In addition, it is considered that the proposed development would integrate with other residential developments in the vicinity and would not result in any adverse visual or landscape impacts. It is therefore considered that the 10no. additional plots and substitution of house types within this site is acceptable.
- 6.6 In terms of road safety impacts, the site layout has been designed to ensure the parking and access specifications are in compliance with the Council's standards and to ensure adequate pedestrian connectivity is provided throughout the development with access to adjacent developments. As such, the Council's Roads and Transportation Development Management section have confirmed their satisfaction with the layout subject to the attachment of conditions. In terms of flood risk and impact on the water environment (Policy 16 – Water Environment and Flooding) the proposal includes sustainable drainage features. In this regard, it is noted that no objections have been received from the Council's Roads Flood Risk

Management team subject to the attachment of conditions. Should permission be granted, appropriate Roads conditions would be attached to the consent issued.

- 6.7 In conclusion, it is considered that the proposed development of this site is supported by the appropriate local plan policies. The proposal will have no adverse impacts on amenity or road safety and as such it is considered the proposal complies with Policies 1, 2, 5, 7, 11, 16 and DM1 of the adopted South Lanarkshire Local Development Plan 2 (2021), as detailed above. It is therefore recommended that planning permission is granted subject to the attached conditions.

7. Reasons for Decision

- 7.1 The proposal would have no significant adverse impact on amenity, public safety or the local environment and complies with the provisions of Policies 1, 2, 5, 7, 11, 16 and DM1 of the South Lanarkshire Local Development Plan 2 (Adopted 2021).

Alistair McKinnon

Interim Executive Director (Community and Enterprise Resources)

4 February 2022

Previous references

- ◆ CR/09/0139 – Planning Committee – 14 December 2010
- ◆ CR/14/0155 – Planning Committee – 27 January 2015

List of background papers

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

- ▶ Consultations
 - Roads Development Management Team 15.12.2021
 - Roads Flood Risk Management 24.01.2022
 - Environmental Services 01.12.2021
 - Scottish Water 19.11.2021
 - SP Energy Network 15.11.2021
 - Halfway Community Council No response received to date

- ▶ Representations
 - Mrs Carol Faulds, 7 Poppy Gardens, Cambuslang, G72 6AB Dated: 18.11.2021
 - Miss Lisa Duncan, 5 Poppy Gardens, Cambuslang, G72 6AB 24.11.2021

Contact for further information

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

Julie Pepper, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455046

Email: julie.pepper@southlanarkshire.gov.uk

Conditions and reasons

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

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

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

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

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

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

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

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

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

05. That before 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 and thereafter maintained to the satisfaction of the Council.

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

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

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

07. That before development starts, details of all boundary treatment(s) shall be submitted to and approved by the Council as Planning Authority and thereafter all approved works shall be completed to the satisfaction of the Council prior to the development hereby approved being occupied or brought into use.

Reason: These details have not been submitted or approved.

08. That before any development commences on site, details of facilities for the storage of refuse within the site, including design, location, external finishes and access for its uplift, shall be submitted to and approved in writing by the Council as Planning Authority. No dwelling unit shall be occupied until these facilities have been provided in accordance with the approved scheme or such alternative as may be agreed in writing with the Council as Planning Authority.

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

09. 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.

10. 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.

11. 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. 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.

12. That all new residents within the approved site shall be issued by the developer with a Residential Travel Pack.

Reason: To encourage walking/cycling.

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

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

14. (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.

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

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

16. That the development hereby approved shall not commence until surface water drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority, under the terms of Condition 15 above.

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

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

Reason: In the interests of road safety.

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

Reason: In the interests of road safety.

19. That, unless otherwise agreed in writing and prior to works commencing on site, the applicant shall submit details to demonstrate each dwelling has access to their own electric vehicle charging (EVC) point. Where parking is provided within a shared courtyard, details shall also include arrangements for siting of charging posts taking account of parking bays/boundary features/pedestrian movement along with maintenance arrangements all for the written approval of the Council as Roads Authority. Thereafter, the agreed EVC provision shall be installed, commissioned, and maintained in accordance with the approved plans and specifications prior to that property which it serves being occupied.

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

20. That prior to works commencing on site, a plan showing the position of grit bins throughout the development shall be submitted to and approved in writing by the Council as Roads and Planning Authority and thereafter implemented to our satisfaction.

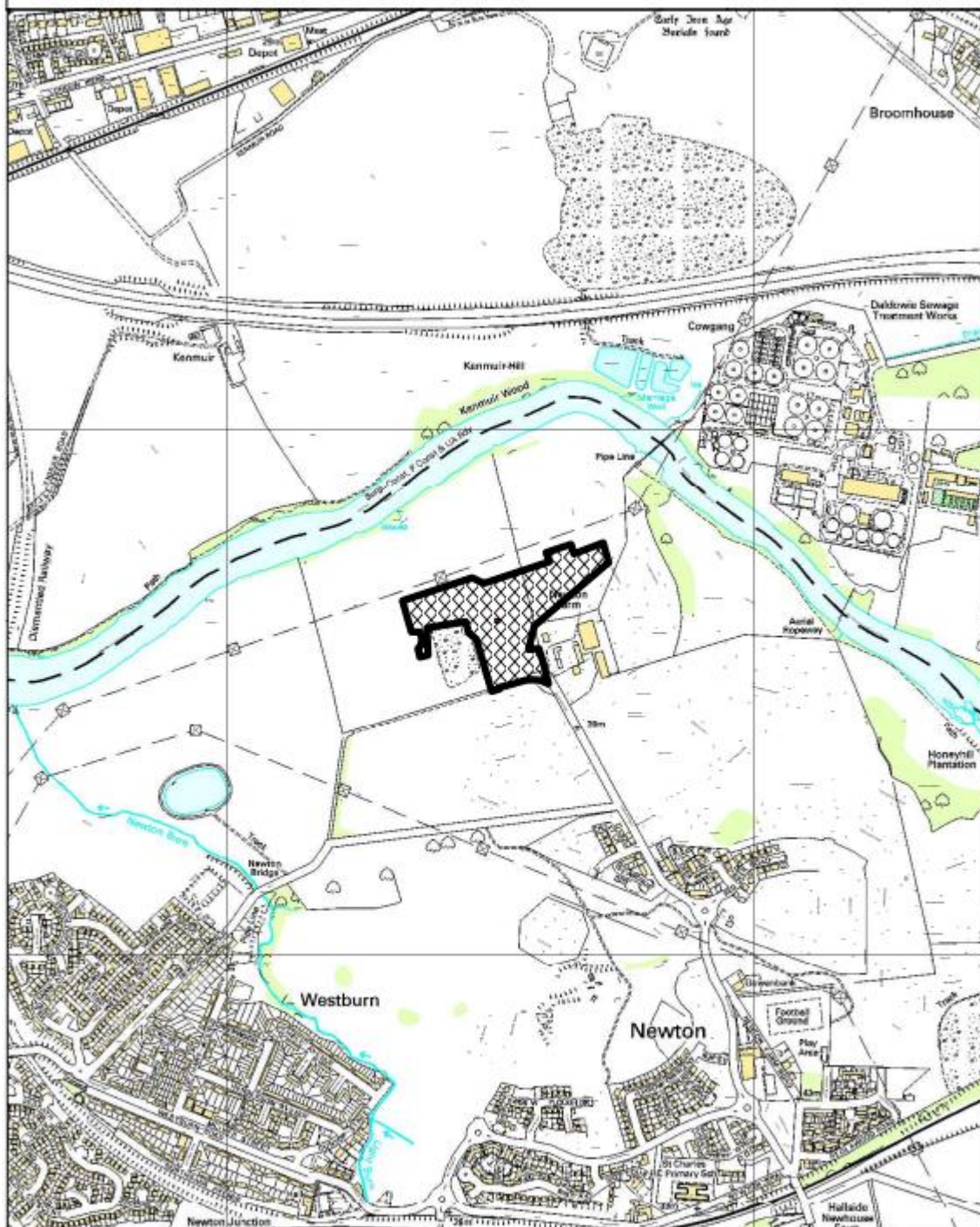
Reason: These details have not been submitted or approved.

21. For the avoidance of doubt, no landscaping shall be planted or placed with the agreed visibility splays.

Reason: In the interests of traffic and public safety.

P/21/1869

Land 135M Northwest of 1 Foxglove Grove, Harvester Avenue, Cambuslang



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Date:
20/01/2022



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

9

Report to:	Planning Committee
Date of Meeting:	15 February 2022
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/21/1697
Planning proposal:	Residential development (163 units) with associated car parking and access, SUDs features and associated works (Approval of matters specified in conditions 1 a,b,c,d,e,f,g, 3, 4a,b,c, 5a,b,c, 7, 8, 9, 10, 13, 14, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 33, 35 and 36 of planning permission in principle (P/20/0542))

1. Summary application information

Application type: Approval of matters specified in conditions.

Applicant: Lovell Partnerships Ltd
Location: Philips
Wellhall Road
Hamilton
ML3 9BZ

2. Recommendation(s)

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

- (1) Grant matters specified in conditions (subject to conditions) based on conditions attached.

2.2 Other actions/notes

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

3. Other information

- ◆ Applicant's Agent: EMA Architecture and Design
- ◆ Council Area/Ward: 18 Hamilton West and Earnock
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (Adopted 2018)**
Policy 1 - Spatial Strategy
Policy 2 - Climate Change
Policy 3 - General Urban Areas and Settlements
Policy 5 - Development Management and Place Making Policy
Policy 7 - Community Infrastructure Assessment

Policy 15 - Travel and Transport
 Policy 16 - Water Environment and Flooding
 Policy DM1 - New Development Design
 Policy SDCC2 - Flood Risk
 Policy SDCC3 - Sustainable Drainage Systems
 Policy SDCC4 - Sustainable Transport
 Policy DM15 - Water Supply
 Policy NHE18 - Walking, cycling and riding routes
 Policy NHE20 – Biodiversity

♦ **Representation(s):**

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

♦ **Consultation(s):**

Education Resources

Arboricultural Services

Roads Development Management Team

Environmental Services

Roads Flood Risk Management

Scottish Water

Countryside and Greenspace

Housing Planning Consultations

Community and Enterprise Resources - Play Provision Community Contributions

Planning Application Report

1. Application Site

- 1.1 The application relates to an area of land located on Wellhall Road, Hamilton. The site was previously occupied by buildings associated with the former Philips/Signify company and comprises an internal road system, large areas of hardstanding, grass and shrubs with mature trees located mainly along its north and western boundaries. The site is currently vacant with all buildings within the site having recently been demolished. The site is essentially rectangular in shape and extends to approximately 7.32 hectares. The site is bounded on all sides by residential development with Wellhall Road located along its north-western boundary and a roundabout and retail store located at its northern tip. Access to the site is taken via a roundabout on Wellhall Road.

2. Proposal(s)

- 2.1 The applicant seeks detailed planning permission for residential development (163 units) with associated car parking and access, SUDs features and associated works (Approval of matters specified in conditions 1a,b,c,d,e,f,g, 3, 4a,b,c, 5a,b,c, 7, 8, 9, 10, 13, 14, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 33, 35 and 36 of planning permission in principle (PPP) (P/20/0542). The conditions referred to above relate to the submission of detailed information including the site layout, landscaping, phasing plan, noise assessment, dust control measures, storage of refuse, flood risk/drainage assessment, site investigation/remediation works, site access, car parking, roads infrastructure, travel plan etc.
- 2.2 The submitted layout shows a development of 163 dwellings comprising a variety of building types which differ in density and height and incorporate a mix of detached, semi-detached, terraced and flatted dwellings including an area of affordable housing located in the eastern area of the site. Specifically, the proposed dwellings are 16 five bedroom, 59 four bedroom and 48 three bedroom properties for sale and 18 two bedroom flats, 10 two bedroom terraced and 12 three bedroom terraced affordable housing units which the Council's Housing Services would take ownership of. The buildings within the site would range between 2 and 3 storeys with a 3-storey flatted block located at the eastern edge of the site to reflect the existing flats on the adjacent Philips Wynd. The houses located along the south-western boundary of the site would be 2 storeys in height and elsewhere within the development there would be a mix of low and medium density housing consisting of 2 and 2.5 storey houses. In terms of finish materials, the roofs of the buildings would be finished in dark grey roof tiles with the walls finished in a mixture of buff-multi brick, neutral render and stone cills with dark grey window frames and doors.
- 2.3 The site would be contained by new tree and landscape planting, particularly along the south-western and north-western boundaries. Existing mature trees would also be retained to the north-west of the site which would form part of the overall landscape structure to the development. The layout incorporates areas of open space and footpath connections to the surrounding area including a central green area of amenity open space and a toddler's play area. A SUDS facility is also incorporated along the eastern edge of the development. Car parking within the development would be provided on driveways located to the front and sides of the proposed dwellings for sale, which would amount to 321 spaces (one space provided for 1 bedroom dwellings, 2 spaces provided for two/three bedroom dwellings and 3 spaces provided for dwellings with four bedrooms or more), in addition to 62 courtyard parking spaces for the 40 affordable housing units proposed.

3. Background

3.1 Local Plan Background

3.1.1 The application site is located within the General Urban Area in the adopted South Lanarkshire Local Development Plan 2. The relevant policies in terms of the assessment of this application are Policy 1 - Spatial Strategy, Policy 2 – Climate Change, Policy 3 - General Urban Areas and Settlements, Policy 5 - Development Management and Place Making, Policy 7 - Community Infrastructure Assessment, Policy 15 - Travel and Transport, Policy 16 - Water Environment and Flooding, Policy DM1 - New Development Design, Policy SDCC2 - Flood Risk, Policy SDCC3 - Sustainable Drainage Systems, Policy SDCC4 - Sustainable Transport, Policy DM15 - Water Supply, Policy NHE18 - Walking, cycling and riding routes and Policy NHE20 - Biodiversity. The content of the above policies and how they relate to the proposal is assessed in detail in Section 6 of this report.

3.2 Relevant Government Advice/Policy

3.2.1 In terms of residential development, Scottish Planning Policy (SPP) requires Councils to maintain a five-year supply of effective housing land. Planning Authorities are also required to promote the efficient use of land by directing development towards sites within existing settlements, where possible, in order to make effective use of existing infrastructure and service capacity.

3.2.2 Designing Streets – A Policy Statement for Scotland was introduced in March 2010 and marks the Scottish Government's commitment to move away from a standardised engineering approach to streets and to raise the quality of design in urban and rural development. Development layouts should be designed to encourage a safe environment for pedestrians and cyclists with narrower streets, carefully positioned dwellings, landscaping and off-street parking which can be more effective at achieving slower traffic movements. Permeability which encourages walking is now seen as a high priority and footpath links are encouraged to ensure that houses can be easily accessed from main public transport routes.

3.3 Planning Background

3.3.1 Planning permission in principle was granted to Signify Commercial UK Ltd for residential development and associated works including demolition of buildings and land reprofiling operations at the site in September 2021 following the conclusion of a Section 75 Obligation to ensure that appropriate financial contributions are made at appropriate times during the development towards: additional nursery, primary and secondary education accommodation as appropriate; the provision of appropriate community facilities, either on site or off; and the provision of affordable housing on site or by way of a commuted sum (P/20/0542).

3.3.2 A Proposal of Application Notice (PAN) was submitted by Signify Commercial UK Ltd to the Council for residential development and associated works within the site and was approved on 12 February 2020 (P/19/0015/PAN).

4. Consultation(s)

4.1 **Education Resources** - have no objections to the application as the Section 75 Obligation associated with the previously approved planning permission in principle (P/20/0542) requires the applicant to pay financial contributions at appropriate stages of the development towards the provision of additional nursery, primary and secondary education accommodation.

Response:- Noted.

- 4.2 **Environmental Services** – have no objections to the application subject to conditions requiring the submission of a contaminated land site investigation and remediation plan, compliance with appropriate British Standard noise levels and compliance with the approved scheme for the control and mitigation of dust. In addition, an informative should be attached to any consent advising the applicant of the requirement for adequate pest control measures.
Response:- Noted. Appropriately worded conditions and informatives would be attached to any consent granted to address the above matters.
- 4.3 **Roads Development Management Team** – have no objections to the application subject to conditions being attached to any consent in relation to access, traffic control systems, footpaths, traffic management, travel plan, car parking, bus stops, cycle storage, electric charging points and signage etc
Response:- Noted. Appropriately worded conditions would be attached to any consent granted to address the above matters.
- 4.4 **Roads and Transportation Services (Flood Risk Management Section)** – no response to date. However, the Flood Risk Management Section were consulted on the application for planning permission in principle for residential development on the site under P/20/0542 and advised that they had no objections to the application subject to conditions requiring the submission of a complete flood risk/drainage assessment with the required signed appendices for the Council's approval and the Council's Sustainable Urban Drainage Systems (SUDS) design criteria being satisfied through the completion of a self-certification document.
Response:- Noted. Appropriately worded conditions would be attached to any consent granted to ensure the submission of the required completed flood risk/drainage assessment.
- 4.5 **Scottish Water** – have no objections to the application.
Response:- Noted.
- 4.6 **Community and Enterprise Resources - Play Provision** – have no objections to the application as the Section 75 Obligation associated with the previously approved planning permission in principle (P/20/0542) requires the applicant to pay financial contributions at appropriate stages of the development towards the provision of appropriate community facilities.
Response:- Noted.
- 4.7 **Housing Services** – have no objection to the application. The application site is identified in the Council's Strategic Housing Investment Plan and is prioritised for Scottish Government grant funding for social rented housing. Lovell Partnerships Ltd are building these properties and under a Section 75 Obligation the Council will be taking ownership of 40 units and the new social rented housing provided will be let through the common housing register HomeFinder.
Response:- Noted.
- 4.8 **Arboricultural Services** – have no objections to the application subject to the inclusion of conditions requiring the submission of a scheme for the protection of retained trees, arrangements for pre-commencement site meetings relating to tree protection, site supervision and monitoring of any approved arboricultural protection measures.
Response:- Noted. Any consent granted would include appropriately worded conditions to address the above matters.

4.9 **Countryside and Greenspace** – have no objections to the application.

Response:- Noted.

5. Representation(s)

5.1 Statutory neighbour notification procedures were undertaken and the application was advertised under the heading Non-Notification of Neighbours in the Hamilton Advertiser. Two letters of objection and two letters of comment were received in relation to the application. The grounds of objection and the comments raised are summarised as follows:-

- (a) **There is a route/road (between the existing flats at 27-49 Philips Wynd and 70-86 Philips Wynd) which is contained within the PPP boundary, though, unfortunately, the new development has little or no positive interface with this. Therefore, the opportunity to develop a streetscape on this part of Philips Wynd is missed. Perhaps the flatted block here could face Philips Wynd for example, whilst the SUDS location could be tweaked or altered to better benefit a streetscape.**

Response: The proposed development would provide a continuous frontage along the full length of the boundary with Philips Wynd. The proposed flatted block does face Philips Wynd and has been designed to ensure that frontage has been provided to Philips Wynd at the same time as reflecting the scale, height and form of the existing flatted blocks in the area. The SUDS basin is located at the lowest point of the site and would assist in providing a setting to the development and the housing surrounding it.

- (b) **There is an existing roundabout on Philips Wynd (adjacent to 27-49 Philips Wynd) which was presumably earmarked for future development within the Philips factory site (which of course this planning application now proposes). This is not utilised as part of the development; despite being contained within the PPP boundary. Consequently, it seems that it would be of benefit if either of the following are considered: remove and re-landscape the existing roundabout as it is now of no benefit, serving no practical traffic control requirement (indeed people who use this road often bypass the roundabout by driving around it in the wrong lane); consider utilising the roundabout on Philips Wynd as a means of access to some of the new development site, thereby reducing traffic at the access point on the main Wellhall Road roundabout.**

Response: The roundabout and associated verge on Philips Wynd is not within the ownership of the applicant, therefore, a new road connection or reconfiguration of this roundabout is not possible as part of this planning application. Subject to conditions, Roads and Transportation Services are satisfied that the proposal is acceptable and that it raises no access or road safety issues.

- (c) **The proposed development does not have a positive relationship with the existing Philips Wynd scheme, thus the new houses proposed along the south-eastern boundary turn their back on Philips Wynd and are perpendicular to the existing properties. As a result, any opportunity for pedestrian permeability between the sites is lost, whilst informal streets and/or formal connections cannot be provided. It would be more desirable if such routes could be established, with a stronger interface between the developments. There appears to have been little consideration of this and whilst the existing public realm in and around this area of Philips Wynd is not perfect, it does not necessarily preclude the opportunity to introduce such connections.**

Response: There is currently an established landscape buffer between the proposed development and Philips Wynd with the existing housing either backing onto or siding on to the site boundary. This landscape buffer is outwith the ownership of the applicant, therefore, there is no ability to provide connecting streets or pedestrian connections across this. The development would directly back on to this boundary. This is considered to be an appropriate treatment for this type of arrangement where new housing meets existing and ensures that amenity and privacy is protected for both the existing and new residents. A similar approach has been adopted between Philips Wynd and Wellmeadows Court to the south of the site.

- (d) **The proposal's PPP boundary extends to the north-west edge of Wellhall Road; however, there is no exploration or consideration of pedestrian crossings at this interface. For example, there is an opportunity to enhance connections which lead to Beattock Wynd and/or Tarbrax Way, as well as the supermarket. It is incumbent on the developer and the Council to develop positive and safe routes for pedestrians here and so it would be logical that this be addressed as part of this planning process.**

Response: The proposal incorporates the provision of a new pedestrian connection across Wellhall Road which is considered to be acceptable.

- (e) **There are concerns regarding the volume of houses being built and the level of road traffic this will generate. We are already facing significant congestion in the area, particularly during rush hour. The likely addition of 300 plus vehicles does not bode well.**

Response: The principle of residential development on the site has been established through the planning permission in principle granted under application HM/20/0542. Subject to conditions, Roads and Transportation Services are satisfied that the proposal is acceptable and that it raises no unacceptable access or road safety issues.

- (f) **With regard to the pedestrian access on the south-west area of the development, what precautions will be taken to avoid loitering at night? This road is already being used as a layby by waiting taxis, vans and road repair equipment. The increased number of inhabitants and the south-west access will likely compound this problem. Will gate access be maintained? This would be preferred, not least with regard to the security aspect at the back of our properties. The pedestrian access at the south-west corner of the factory will allow access to vehicles from the emergency services but there has been no mention of any measures adopted to prevent others from also using this road for vehicular access. At peak times it can be difficult to exit the Wellmeadows estate, particularly when turning right onto Woodfoot Road. Any increase in traffic will exacerbate the problem.**

Response: The existing footpath link to the south-west would be retained and enhanced to form a new connection to the site to ensure that houses can be easily accessed from main pedestrian and transport routes and to encourage active travel. No gates are proposed for the pedestrian link referred to. Any anti-social behaviour would be a matter for Police Scotland to address.

- (g) **Concerns about the effect on local wildlife: there is a variety of wild animals, birds and insects at the back of our properties and the increased activity via the new pedestrian access, at all times of day and night, will surely have a detrimental effect. The green policy envisaged**

by the developers would appear insufficient to protect their long-standing habitat.

Response: In terms of any potential impact on wildlife, an ecology report and bat survey were commissioned in support of the associated application for planning permission in principle (P/20/0542) which concluded that the application site has relatively low ecological value. To ensure the protection of existing habitats within the site, any consent granted would incorporate a condition requiring the recommendations and mitigation measures as stated in the Ecological Report (13 March 2020) and the Ecological Report: Supplementary Bat Report (26 August 2020) compiled by Jacobs to be implemented throughout the construction and post-construction phases of the development to the Council's satisfaction.

- (h) I support the re-use of brownfield land for housing. Plots 1-10 are poorly laid out and may lead to on street parking on a blind corner at a roundabout. It would be better to have detached homes fronting onto the roundabout here. Plot 4 is also very close to the road and may be damaged if a vehicle leaves the carriageway.**

Response: These matters have been considered during the assessment of the application. Subject to conditions, Roads and Transportation Services are satisfied that the proposal is acceptable and that it raises no access or road safety issues in this regard.

- (i) Plots 60 to 84 may impede on the privacy of existing housing next to the site. It would seem from the plans that if you were on the first floor of the above plots you can see directly into existing housing. For example 112, 128, 140 and 150 Philips Wynd may have privacy impeded. There may be trees between the properties, but this protection is greatly reduced during the winter.**

Response: The separation distance between the proposed dwellings and the existing properties meets or exceeds the minimum 20 metre distance required for directly facing habitable windows in the Council's Residential Design Guide. This minimum distance is exceeded in relation to the existing properties at 128 and 150 Philips Wynd and the proposed development would face onto the blank gable elevations of the houses at 112 and 140 Philips Wynd referred to above. On this basis, it is considered that the proposed development will have no adverse impact on adjacent properties in terms of overlooking and/or loss of privacy.

- (j) The existing plans do not seem to indicate there would be a children's play area. Given there would be a large amount of families moving in and no nearby play parks surely this is essential.**

Response: An amended site layout was submitted which shows the provision of a small play area located within a central area of the site. Furthermore, the associated planning permission in principle (P/20/0542) for the site requires the applicant to pay financial contributions at appropriate stages of the development towards the provision of appropriate community facilities in lieu of providing the full range of recreational facilities within the site.

- (k) Previous traffic reports and documentation submitted under the application for planning permission in principle P/20/0542 highlighted the significant levels of traffic on Wellhall Road and the overcapacity/use of the existing roundabouts at Wellhall Road/Chantinghall Road and Wellhall Road/Woodfoot Road. As a result, what additional traffic calming/control measures and road improvement measures will the Council now be undertaking. Given the number of additional residential properties which will make use of these routes it is**

imperative that significant measures be introduced to better control the volume of traffic and traffic speed.

Response: Roads and Transportation Services are satisfied that the proposal raises no access or road safety issues. Conditions would be attached to any consent granted to ensure the provision of appropriate traffic control systems and traffic management.

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

6. Assessment and Conclusions

- 6.1 The applicant seeks approval of the matters specified in conditions for a residential development of 163 units with associated car parking and access, SUDs features and associated works (approval of matters specified in conditions 1a,b,c,d,e,f,g, 3, 4a,b,c, 5a,b,c, 7, 8, 9, 10, 13, 14, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 33, 35 and 36 of planning permission in principle (P/20/0452). The conditions referred to above relate to the submission of detailed information including the site layout, landscaping, noise assessment, dust control measures, storage of refuse, flood risk/drainage assessment, site investigation/remediation works, site access, car parking, roads infrastructure and travel plan etc. The determining issues in consideration of this application are its compliance with national and local plan policy and its impact on the amenity of adjacent properties and on the local road network.
- 6.2 In terms of residential development, SPP requires Councils to maintain a five-year supply of effective housing land. Planning Authorities are also required to promote the efficient use of land by directing development towards sites within existing settlements, where possible, in order to make effective use of existing infrastructure and service capacity. Designing Streets - A Policy Statement for Scotland was introduced in March 2010 and marks the Scottish Government's commitment to move away from a standardised engineering approach to streets and to raise the quality of design. Development layouts should be designed to encourage a safe environment for pedestrians and cyclists, carefully positioned dwellings, landscaping and off-street parking which can be more effective at achieving slower traffic movements. Permeability which encourages walking is now seen as a high priority and footpath links are encouraged to ensure that houses can be easily accessed from main public transport routes.
- 6.3 In general land use and policy terms the principle of the development at this location has previously been assessed and approved under the application for planning permission in principle (P/20/0452). The proposal involves the re-use of a previously developed site which would have a positive impact on the built and natural environment. The proposal also promotes development in a sustainable location which would be accessible by public transport, with bus routes located on the adjacent Wellhall Road. In terms of permeability, the development would be well integrated into existing walking and cycling networks and would encourage active travel. The proposed layout takes cognisance of the main standards encouraged through Designing Streets. It is, therefore, considered that the proposal is in accordance with national planning policy.
- 6.4 In terms of local plan policy, the application site is located within the General Urban Area in the adopted South Lanarkshire Local Development Plan 2. The relevant policies in terms of the assessment of this application are Policy 1 - Spatial Strategy, Policy 2 – Climate Change, Policy 3 - General Urban Areas and Settlements, Policy 5 - Development Management and Place Making, Policy 7 - Community Infrastructure Assessment, Policy 15 - Travel and Transport, Policy 16 - Water Environment and Flooding, Policy DM1 - New Development Design, Policy SDCC2 -

Flood Risk, Policy SDCC3 - Sustainable Drainage Systems, Policy SDCC4 - Sustainable Transport, Policy DM15 - Water Supply, Policy NHE18 - Walking, cycling and riding routes and Policy NHE20 - Biodiversity.

- 6.5 Policies 1 and 2 encourage sustainable economic growth and regeneration, a move towards a low carbon economy, the protection of the natural and historic environment and mitigation against the impacts of climate change. In line with these policies, the proposal involves the redevelopment of a previously developed site which is located in a sustainable location within Hamilton and where the principle of residential use is considered to be acceptable. The site benefits from opportunities for trips by public transport with bus routes located on the adjacent Wellhall Road and the development would be well integrated into existing walking and cycling networks and would encourage active travel. The site is also located within an acceptable distance to commercial services such as retail, leisure, schools, health care etc. The proposed development offers an opportunity to enhance the built environment in the immediate area and it is considered that the redevelopment of the site would result in an attractive and vibrant addition to neighbouring development. Areas of landscaping are proposed within the development which would provide opportunities for enhanced biodiversity and leisure within the site and the surrounding area. Furthermore, the houses within the development would be designed to the latest technical standards in terms of insulation, air tightness and energy ratings. It is, therefore, considered that the proposal meets the terms of the above policies.
- 6.6 Policy 3 states that within the urban areas and settlements identified on the proposals map, residential developments on appropriate sites will generally be acceptable. Proposals for uses that are ancillary to residential areas will be assessed on their individual merits, with particular regard to their effect on the amenity and character of the area. As the application site is located within the General Urban Area and benefits from planning permission in principle being granted for residential development under application P/20/0542, the proposal raises no policy issues and, therefore, conforms with Policy 3.
- 6.7 In terms of the detailed design of the development, Policies 5 and DM1 generally require new development to have due regard to the layout, form, design and local context of the area and to promote quality and sustainability in its design. In this instance, it is considered that the proposed layout for the development is acceptable and that it meets the main standards set out in the Council's Residential Design Guide, particularly in relation to window to window distances, garden depths, amenity open space and car parking. The proposed houses are of modern design with a suitably high standard of external finishing materials and it is considered that the development will be in keeping with the existing residential development in the surrounding area. The proposed access arrangements have been assessed and subject to conditions, are considered to be acceptable by the Council's Roads and Transportation Service. In view of the above, it is considered that the proposal would relate satisfactorily to adjacent residential development in terms of its scale, design and materials and that the character and amenity of the area would not be impaired by reason of traffic generation, parking or visual intrusion. The proposal represents a sensitive re-use of a previously developed and currently vacant site and it is considered that the re-development of the site would improve the visual and environmental quality of the area. The proposed development incorporates areas of structured landscaping and open space to enhance the urban form and character of the site and existing habitats such as mature trees and open space would be retained and enhanced where possible and would be properly maintained and managed in the future. It is also envisaged that the SUDS facility proposed in the

eastern area of the site would be planted with appropriate wet meadow mix and emergent species which would encourage biodiversity. All surface water runoff would be dealt with through a sustainable urban drainage system (SUDS) designed as an integral part of the overall landscape design. Path connections through the green spaces would offer opportunities for walking and cycling. It is considered that the application site and the surrounding area as a whole would benefit from the enhanced leisure and ecological opportunities that the proposal provides. Given the above, it is considered that the development of the site would have a positive impact on the environment and would improve the quality of life for those living in the surrounding area. The proposal is, therefore, considered to be in accordance with the terms of Policies 5 and DM1.

- 6.8 With regard to Policy 7, the Section 75 Obligation associated with the previously approved planning permission in principle (P/20/0542) requires the applicant to pay financial contributions at appropriate stages of the development towards the provision of additional nursery, primary and secondary education accommodation as appropriate and the provision of community facilities. The requirement for affordable housing would be addressed through the on-site provision of 40 dwellings which the Council's Housing Services will be taking ownership of. In view of the above, the proposal meets the terms of Policy 7.
- 6.9 Policy 15 seeks to ensure that development considers, and where appropriate, mitigates the resulting impacts of traffic growth and encourages sustainable transport options that take account of the need to provide proper provision for walking, cycling and public transport. In this regard, the site is accessible by public transport with bus routes located on the adjacent Wellhall Road. In terms of permeability, the development would be well integrated into existing walking and cycling networks and would encourage active travel. Furthermore, Roads and Transportation Services are satisfied that the proposal raises no access, parking or road safety issues. It is, therefore, considered that the proposal complies with Policy 15.
- 6.10 The proposal has been assessed by the relevant consultees in terms of Policies 16, DM15, SDCC2 and SDCC3. With regard to flooding and surface water drainage, no adverse comments were raised by Roads and Transportation Services subject to the Council's Sustainable Urban Drainage Systems (SUDS) design criteria being satisfied through the completion of the standard self-certification documents. Scottish Water have also confirmed that they have no objections to the application and any consent granted would include a condition to ensure that no dwellings are occupied until the site is served by a sewerage scheme constructed in accordance with Scottish Water standards. It is, therefore, considered that the proposal is in accordance with the terms of the above policies.
- 6.11 In summary, it is considered that the application conforms with both national and local plan policy and that the proposal raises no significant environmental or infrastructure issues. It is therefore recommended that the application be granted subject to the conditions listed.

7. Reasons for Decision

- 7.1 The proposal has no adverse impact on residential or visual amenity nor raises any environmental or infrastructure issues and complies with Policies 1, 2, 3, 5, 7, 15, 16, DM1, SDCC2, SDCC3, SDCC4, DM15, NHE18 and NHE20 of the adopted South Lanarkshire Local Development Plan 2.

Alistair McKinnon
Interim Executive Director (Community and Enterprise Resources)

Date: 3 February 2022

Previous references

P/20/0542 – Planning Committee – 22 September 2020

P/19/0015/PAN

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 29.09.2021
- ▶ Press Advertisement, Hamilton Advertiser 07.10.2021

- ▶ Consultations
 - Arboricultural Services 02.02.2022
 - Roads Development Management Team 04.11.2021
02.02.2022
 - Environmental Services 19.01.2022
 - Roads Flood Risk Management
 - Scottish Water 12.10.2021
 - Countryside and Greenspace 23.12.2021
 - Housing Planning Consultations 07.10.2021
 - Community and Enterprise Resources - Play Provision 22.12.2021
 - Community Contributions
 - Education Resources 15.07.20

- ▶ Representations Dated:
 - Gordon Anderson, via Email 09.11.2021
 - Mr Derek Horsfield, 7 Wellmeadows Lane, Hamilton, South Lanarkshire, ML3 8LS 08.11.2021
 - Miss Lynn Reid, 82 Glen Tennet, East Kilbride, G74 3UY 11.01.2022
 - Mr Bradley McLay, via Email 19.01.2022

Contact for further information

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

Jim Blake, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
Phone: 01698 453657
Email: jim.blake@southlanarkshire.gov.uk

Conditions and reasons

01. 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.

02. 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 1, shall be erected and thereafter maintained to the satisfaction of the Council.

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

03. That before development starts, details of all boundary treatment(s) shall be submitted to and approved by the Council as Planning Authority and thereafter all approved works shall be completed 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 development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.

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

05. That unless otherwise agreed, before development starts, full details of the design and location of any fence enclosing the proposed SUDS Facility shall be submitted to and approved by the Council as Planning Authority. Thereafter, the fence shall be erected and maintained to the Council's satisfaction.

Reason: In order to retain effective planning control.

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

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

07. That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable

Drainage Design Criteria and shall include signed appendices as required. The development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.

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

08. That updated details of the phasing of the development shall be submitted to the Council for approval, and no work shall begin until the phasing scheme has been approved in writing. Following approval, the development shall be implemented in accordance with the approved scheme.

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

09. That prior to the commencement of the development hereby approved:-

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

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

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

BS 10175:2011 - British Standards institution 'The Investigation of Potentially Contaminated Sites - Code of Practice'.

(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.

10. If the site investigation required under the terms of Condition 10 above determines that remediation of all, or part, of the site is required then:

(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.

11. In the event that there is a requirement to either re-use site won material or to import material then the assessment criteria and sampling frequency that would adequately demonstrate its suitability for use shall be submitted to and approved by the Planning Authority prior to any material being used. In addition to this and, in accordance with BS3882:2015 and BS8601:2013, material to be used in the top 300mm shall also be free from metals, plastic, wood, glass, tarmac, paper and odours.

On completion of the works, or at an alternative time or development stage agreed by the Planning Authority, the developer shall submit a verification report containing details of the source of the material and appropriate test results to demonstrate its suitability for use.

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.

12. That no changes to the approved dust mitigation scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented and maintained over the course of all development works. If justified complaints are received from members of the public, the Council may require the applicant to change or improve their dust mitigation scheme.

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

13. That the internal noise levels of the dwellings hereby approved shall comply with BS 8233:2014 Guidance on sound insulation and noise reduction for buildings and the external noise levels shall comply with part d) as follows-

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

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

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

Reason: In the interests of amenity.

14. That no further changes in ground levels within the site shall take place without the prior written consent of the Council as Planning Authority.

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

15. That before the development hereby approved is completed or brought into use, the new vehicular access so far as it lies within the boundaries of the road abutting the site, shall be constructed in accordance with the specification of the Council as Roads and Planning Authority.

Reason: In the interests of traffic and public safety.

16. That no dwellinghouse shall be occupied until the access roads and footpaths leading thereto from the existing public road 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 the recommendations and mitigation measures as stated in the Ecological Report (13 March 2020) and the Ecological Report: Supplementary Bat Report (26 August 2020) compiled by Jacobs shall be implemented throughout the construction and post-construction phases of the development to the Council's satisfaction.

Reason: To ensure the protection of existing habitats within the site.

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

Note - semi mature trees being planted are approximately 18-20 feet compared to 14-16ft extra heavy standards.

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

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

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

20. That before any work commences on the site, a scheme for the provision of the equipped play area within the application site shall be submitted to the Council as Planning Authority for written approval and this shall include:
- (a) details of the type and location of play equipment, seating and litter bins to be situated within the play area(s);
 - (b) details of the surface treatment of the play area, including the location and type of safety surface to be installed;
 - (c) details of the fences to be erected around the play area(s); and
 - (d) details of the phasing of these works.

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

21. That prior to the completion or occupation of the last dwellinghouses within the development, all of the works required for the provision of the equipped play area included in the scheme approved under the terms of Condition 20 shall be completed, and thereafter, that area shall not be used for any purpose other than as an equipped play area.

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

22. That no trees within the application site shall be lopped, topped, pollarded or felled, or otherwise affected, without the prior written consent of the Council as Planning Authority.

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

23. That unless otherwise agreed, 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 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.
- e) 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.

- f) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- g) A specification for scaffolding and ground protection within tree protection zones.
- h) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- i) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
- j) Boundary treatments within the RPA
- k) Methodology and detailed assessment of root pruning
- l) Arboricultural supervision and inspection by a suitably qualified tree specialist
- m) Reporting of inspection and supervision
- n) Methods to improve the rooting environment for retained and proposed trees and landscaping

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.

24. That unless otherwise agreed, before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Council as Planning Authority to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the Council as Planning Authority.

Reason: To ensure that the Council as Planning Authority are satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details.

25. The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in condition 23 above, shall be submitted for approval in writing by the Council as Planning Authority within 28 days from completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.

Reason: To ensure compliance with the approved tree protection and arboricultural supervision details.

26. That unless otherwise agreed, prior to completion of the first dwelling the applicant shall submit proposals for the written approval of the Council as Planning and Roads Authority for alterations to the SCOOT traffic control timings for the Peacock Cross Gyratory all at the developer's own expense.

Reason: These details have not been submitted or approved.

27. That once approved in writing the applicant shall implement at their own expense, and to the satisfaction of the Council as Planning and Roads Authority, the SCOOT traffic control upgrades referred to in the previous condition using the Council's traffic signal maintenance contractor and complete this work all in accordance with the approved design and specification prior to occupation of the first dwelling house unless otherwise agreed in writing with the Council.

Reason: In the interest of public and road safety.

28. That unless otherwise agreed, prior to commencing on site the applicant shall submit detailed proposals for the introduction of a TOUCAN type controlled pedestrian crossing and ancillary works on Wellhall Road at the frontage of the site for the written approval of the Council as Planning and Roads Authority.

Reason: These details have not been submitted or approved.

29. That once approved in writing the applicant shall implement at their own expense, and to the satisfaction of the Council as Planning and Roads Authority, the approved controlled pedestrian crossing and ancillary works referred to in the previous condition using the Council's traffic signal maintenance contractor and complete this work all in accordance with the approved design and specification prior to the occupation of the first dwelling house, unless otherwise agreed in writing with the Council,

Reason: In the interest of public and road safety.

30. That the applicant shall submit for the written approval of the Council as Planning and Roads Authority details of 'KEEP CLEAR' yellow box markings for the Wellhall Road/Hiltonbank Street junction and once approved shall implement the works on site prior to occupation of the first dwelling all at the applicant's expense and in accordance with the agreed specification.

Reason: These details have not been submitted or approved.

31. That unless otherwise agreed, prior to commencing any housebuilding works on site the applicant shall submit, for the written approval of the Council as Planning and Roads Authority, detailed proposals for new bus shelters and bus stop high access kerbs to the bus stops on Wellhall Road reference 75232697 (southbound) and 75234827 (northbound).

Reason: These details have not been submitted or approved.

32. That once approved in writing the applicant shall implement at their own expense, and to the satisfaction of the Council as Planning and Roads Authority, the bus stop infrastructure referred to in the previous condition and complete this work all in accordance with the approved design and specification prior to occupation of the first dwelling unless otherwise agreed in writing with the Council.

Reason: In the interest of public and road safety.

33. That a copy of the approved Residential Travel Plan shall be provided to each new homeowner as part of their moving in pack.

Reason: To encourage sustainable travel to and from the development.

34. That prior to completion of the first dwelling, the applicant shall submit, for the written approval of the Council as Planning and Roads Authority, details of the shared use walking and cycling route/emergency access link between the site and Woodfoot Road via Wellmeadows Lane to include details of street lighting, drainage, signing and proposals to control the use of the link for its intended purpose.

Reason: These details have not been submitted or approved.

35. That once approved in writing the applicant shall implement at their own expense, and to the satisfaction of the Council as Planning and Roads Authority, the shared use walking and cycling route/emergency access link referred to in the previous condition and complete this work all in accordance with the approved design and specification prior to occupation of the first dwelling house unless otherwise agreed in writing with the Council.

Reason: In the interest of public and road safety.

36. That all remote footways shall incorporate continuous land drains which shall discharge via a silt trap into Scottish Water's system all to the satisfaction of the Council as Planning and Roads Authority.

Reason: In the interest of public and road safety.

37. That prior to commencement of the flatted dwellings, the applicant shall submit, for the written approval of the Council as Planning and Roads Authority, details of secure cycle storage serving the flatted properties to be provided in accordance with the SCOTS Roads Development Guide.

Reason: These details have not been submitted or approved.

38. That parking to the private housing area shall be provided in accordance with the proposals shown on drawing 20026(PL)001 Revision S with parking provision in accordance with SCOTS National Roads Development Guide as follows:-

- 1 bedroom - 1 parking space
- 2 and 3 bedrooms - 2 parking spaces
- 4 and 5 bedrooms - 3 parking spaces

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

39. That prior to occupation of any of the affordable housing units hereby approved the applicant shall form sixty-two parking spaces as shown on drawing 20026(PL)001 Revision S and in accordance with the agreed specification and to the satisfaction of the Council as Planning and Roads Authority.

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

40. That unless otherwise agreed, prior to commencing works on site the applicant shall submit details to demonstrate each dwelling has access to their own electric vehicle charging (EVC) point. Where parking is provided within a shared courtyard then details shall also include arrangements for siting of charging posts taking account of parking bays/boundary features/pedestrian movement along with proposals for maintenance arrangements to be submitted all for the written approval of the Council as Planning and Roads Authority. Thereafter the agreed EVC provision shall be

installed, commissioned, and maintained in accordance with the approved plans and specifications prior to that property which it serves being occupied.

Reason: These details have not been submitted or approved.

41. That prior to any works commencing on site the applicant shall submit for the written approval of the Council as Roads Authority a Traffic Management Plan (TMP) to cover all construction traffic access entering and exiting the site via the existing roundabout access onto Wellhall Road. The TMP shall include wheel washing arrangements, delivery routes, compound layout including on-site parking facilities for staff and visitors. Once approved works shall be undertaken in accordance with the approved TMP.

Reason: These details have not been submitted or approved.

42. That prior to occupation of the proposed dwelling house, the proposed driveway, as shown on the submitted plans shall be laid out, constructed and thereafter maintained such that no surface water discharges onto the prospectively adoptable road all to the satisfaction of the Council as Roads Authority.

Reason: In the interest of public and road safety.

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

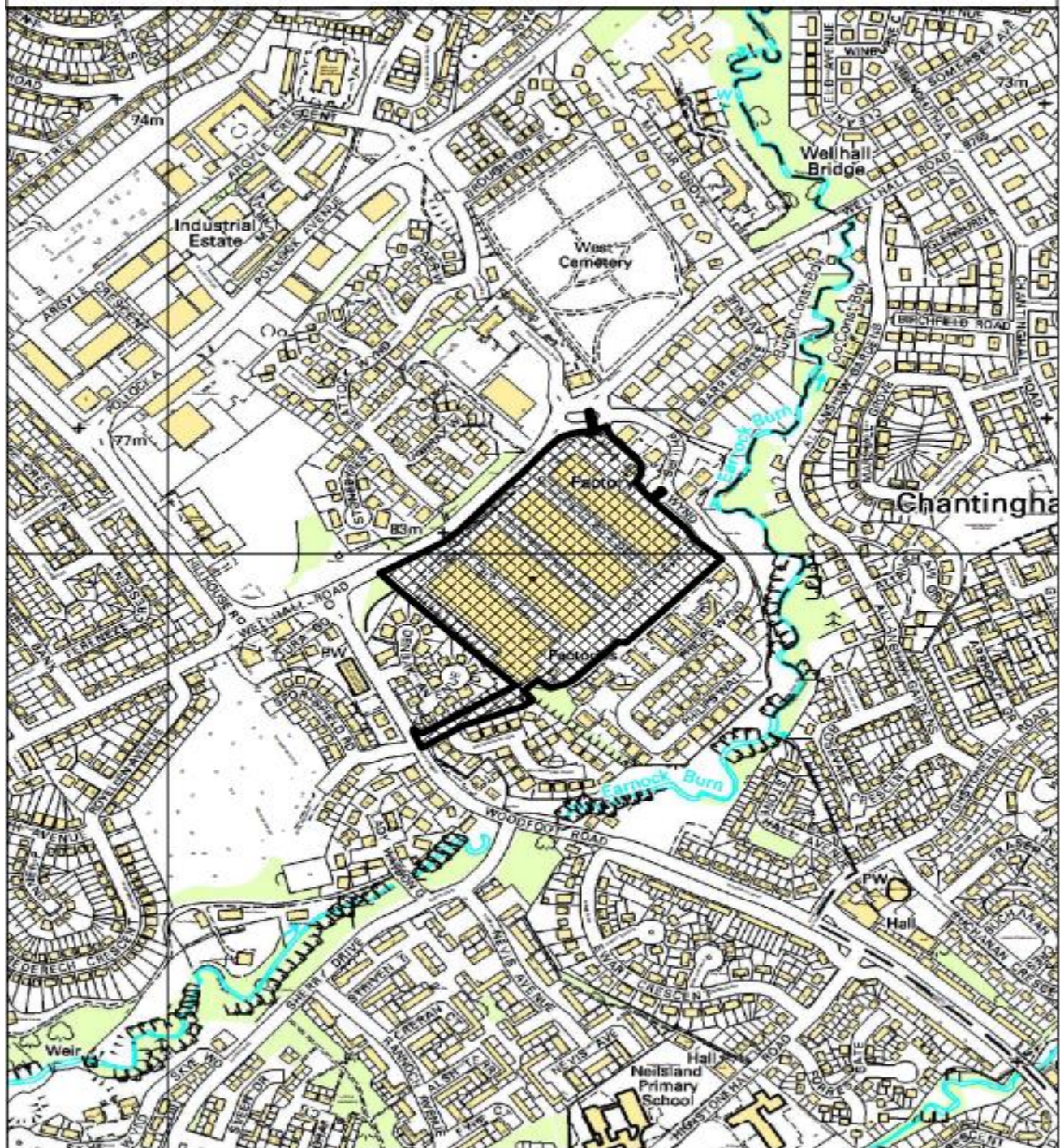
Reason: In the interest of public and road safety.

44. That before the development hereby approved is completed or brought into use, the visibility splay requirements shown on drawing 20145-SK-02 Revision F (Visibility Splays) and drawing 20145-SK-14 Revision A (Pedestrian Visibility Splays) shall be provided and nothing exceeding 0.9 metres in height above the road channel level shall be permitted within the road visibility splays and nothing exceeding 0.6 metres in height shall be permitted within the pedestrian visibility splays.

Reason: In the interest of public and road safety.

45. That prior to completion of each dwelling house, the first 2.0 metres of the driveway shall be so surfaced or bound as to prevent any surface water or deleterious material from running onto or entering the prospectively adoptable road.

Reason: To prevent deleterious material being carried into the highway.



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South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

10

Report to:	Planning Committee
Date of Meeting:	15 February 2022
Report by:	Interim Executive Director (Community and Enterprise Resources)

Application no.	P/21/1444
Planning proposal:	Erection of retail unit (Class 1) with associated works

1. Summary application information

Application type:	Detailed planning application
Applicant:	Scotsman Group
Location:	Site of Former Stuart Hotel 2 Cornwall Way East Kilbride South Lanarkshire

2. Recommendation(s)

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

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

2.2. Other actions/notes

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

3. Other information

- ◆ Applicant's Agent: Steve Convery
- ◆ Council Area/Ward: 08 East Kilbride Central North
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (adopted 2021)**
Policy 2 – Climate Change
Policy 5 – Development Management and Placemaking
Policy 9 – Network of Centres and Retailing
Policy DM1 – New Development Design

◆ Representation(s):

▶	7	Objection Letters
▶	0	Support Letters
▶	1	Comment Letters

♦ **Consultation(s):**

Roads Development Management Team

Environmental Services

Planning Application Report

1. Application Site

- 1.1. The application relates to the site of the former Stuart Hotel at 2 Cornwall Way, East Kilbride. The site, which measures 0.13 hectares in area, is currently vacant as the former hotel building has been removed.
- 1.2. The site is bounded to the south by adjacent retail units on Cornwall Way, to the west by a service access which serves the site and adjacent buildings, to the north by Cornwall Street and to the east by Cornwall Way and an area of landscaped open space. Vehicular access to the site is taken from the service access to the west of the site.

2. Proposal(s)

- 2.1. The applicants seek detailed planning permission for the erection of a retail unit with an associated service yard on the site. It is proposed that the retail unit would be utilised as a licenced convenience store. The proposed building would be single storey in height. The development would utilise approximately 40% of the site. An area of temporary landscaping would be put in place along Cornwall Way to screen the remainder of the site, which would not be developed as part of the current proposals.
- 2.2. Vehicular access to the site for delivery vehicles would be taken via the existing service yard to the west of the site. Pedestrian access to the proposed retail unit for customers would be taken from Cornwall Way.

3. Background

3.1. Local Plan Status

- 3.1.1. The site is designated as forming part of East Kilbride Town Centre under Policy 9 – Network of Centres and Retailing of the Proposed South Lanarkshire Local Development Plan 2 (adopted 2021). Policies 2 – Climate Change, 5 – Development Management and Placemaking and DM1 – New Development Design of the adopted Plan are also of relevance to the proposed development. The proposals are assessed against the relevant policies in Section 6 below.

3.2. Planning Background

- 3.2.1. Following the closure of the Stuart Hotel planning consent was granted in 2013 for the erection of a new hotel with associated facilities on the site (Planning Ref: EK/09/0242). However, the development was not subsequently undertaken and the consent has now expired. There is therefore no planning consent currently in place for the redevelopment of the site.

4. Consultation(s)

- 4.1 **Roads and Transportation Services (Development Management)** – Initially raised concerns with regard to the management of traffic accessing the proposed service yard to the west of the proposed retail premises. Following discussions with the applicants, the access details were amended to ensure that there would be no unacceptable impact on other users of the access route. These amended details have been confirmed as acceptable by the Roads Service and, on this basis, they have confirmed their satisfaction with the proposals subject to standard conditions relating to road safety matters.

Response: Noted. The requested conditions would be attached to any consent issued.

- 4.2. **Environmental Services** – Offered no objection to the proposed development subject to a condition relating to dust management on site.

Response: Noted. The requested condition would be attached to any consent issued.

5. Representation(s)

- 5.1. Statutory neighbour notification was undertaken and the proposal was advertised in the East Kilbride News for neighbour notification purposes and due to the nature of the development proposed. Eight letters of representation were received, comprising seven objection letters and one letter of comment. The points raised are summarised as follows:-

- a) **There are already a number of empty units in the area that would be more appropriate for this proposed use.**

Response: The writer's comments in this regard are noted. However, the Planning Service is required to consider the proposal that has been submitted in respect of this site, irrespective of the number of empty units that exist nearby. In this regard it is noted that the proposal relates to the formation of a retail use in a designated retail area and it is considered that the proposed use would not create any unacceptable amenity impact at this location. It is therefore considered appropriate to recommend that planning permission is granted in this instance as the proposed development fully complies with adopted Council planning policy.

- b) **The proposed use is not needed as there are a number of other similar uses in the local area.**

Response: The writer's comments in this regard are noted. However, the existence of other similar uses nearby is not a valid planning reason to refuse permission for a proposed development. In such cases, it is considered that market forces will dictate the success or otherwise of approved uses. As noted above, the proposed development is considered to fully comply with adopted Council planning policy in this instance. It is therefore considered appropriate to recommend that planning permission is granted for the proposed development.

- c) **The opening of a licenced store at this location will create anti-social behaviour issues in the vicinity of the site.**

Response: It is not considered that the formation of the proposed use within an urban commercial centre is likely to have a significant adverse amenity impact in terms of issues such as anti-social behaviour. In particular, given that the proposed development site is not located directly adjacent to any residential properties, this is considered to be an appropriate site for a commercial use such as the one proposed in this case.

- d) **More should be done to regenerate the town centre which is in a state of decline rather than developing another retail unit.**

Response: The writer's comments in this regard are noted. However, the Planning Service is required to consider the proposal that has been submitted in respect of this site in this case, which is for the erection of a retail unit. In this regard it is considered that the proposed use would not create any unacceptable amenity impact at this location and is fully compliant with adopted Council planning policy. It is therefore considered appropriate to recommend that planning permission is granted in this instance, subject to the attached conditions.

- e) **The writer objects to the provision of a servicing layby to the rear of the proposed development as it could impact on mail delivery vehicles accessing and egressing from the adjacent service lane which is used by the Royal Mail.**

Response: The writer's comments in this regard are noted and the potential access restrictions at this location were also noted by the Council's Roads and Transportation Services in their consultation response. Following discussions with the applicants, amended proposals have been submitted with regard to the servicing of the site and the proposed service layby has been removed from the plans. The Council's Roads and Transportation Services have confirmed their satisfaction with regard to the revised proposals and it is noted that they should allow both the existing and proposed businesses at this location to be appropriately served.

- f) **It should be ensured that no protected species, flora or fauna are harmed as a result of the proposed development works.**

Response: It is noted that, in this case, the building that was previously on site has been demolished and the site is currently vacant. It is therefore considered extremely unlikely that any such species would be harmed as a result of the proposed development of this vacant site in this instance.

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

6. Assessment and Conclusions

- 6.1. The applicants seek detailed planning permission for the erection of a retail unit with an associated service yard on the site of the former Stuart Hotel located at Cornwall Way, East Kilbride. It is proposed that the retail unit would be utilised as a licenced convenience store. The proposed building would be single storey in height. The development would utilise approximately 40% of the site. An area of temporary landscaping would be put in place along Cornwall Way to screen the remainder of the site, which would not be developed as part of the current proposals.
- 6.2. The proposed development requires to be considered against the relevant policies of the South Lanarkshire Local Development Plan 2 (adopted 2021). It is noted that the site is located within an area designated as a town centre location under Policy 9 – Network of Centres and Retailing of the adopted Plan. This policy promotes the siting of retail and other commercial uses within designated commercial areas. As such, the principle of the proposed development of this site for the proposed retail use is considered to be compliant with the provisions of Policy 9.
- 6.3. Policies 5 – Development Management and Placemaking and DM1 – New Development Design seek to ensure that all developments are appropriately designed and sited and do not adversely impact on the amenity of the area in which they are situated. In this case it is noted that the proposed licenced convenience store would be located in an appropriate town centre location and would not be situated in close proximity to any residential areas. The design is considered to be appropriate to the location of the site and the existing adjacent retail units fronting onto Cornwall Way. In addition, it is noted that both the Council's Roads and Environmental Services have advised of their satisfaction with the proposals subject to conditions that would be attached to any consent issued.
- 6.4. Furthermore, it is noted that the proposed development would bring part of a vacant site back into commercial use, with landscaping also being provided to screen the remaining area until such time as suitable proposals are brought forward for its redevelopment. This would result in the visual amenity at this location being

significantly improved relative to the current situation on site. As such, the proposed development is considered to be fully compliant with the provisions of Policies 5 and DM1 of the adopted Plan.

- 6.5. Policy 2 – Climate Change of the adopted Plan seeks to ensure that proposals are appropriately designed and sited in terms of climate change considerations. In this case, it is noted that the town centre location is considered to be suitable for the proposed use and in particular, the proximity of the site to East Kilbride Bus Station is noted. The chosen location would allow the development to be easily accessed through a sustainable transport mode. As such, it is considered that the proposed development would comply with the provisions of Policy 2, particularly with regard to the sustainable location of the development site.
- 6.6. Following neighbour notification and advertisement of the application eight letters of representation were received comprising seven objection letters and one letter of comment. The points raised are summarised in Section 5 above. It is not considered that the points raised merit refusal of the application in this case.
- 6.7. Taking all of the above into account it is noted that the proposed development is fully compliant with the relevant provisions of the South Lanarkshire Local Development Plan 2 (adopted 2021) with specific regard to Policies 2, 5, 9 and DM1. In particular it is noted that the development would return an area of vacant land within the town centre to commercial use, which is to be welcomed. It is therefore recommended that planning permission is granted for the proposed development, subject to the attached conditions.

7. Reasons for Decision

- 7.1. The proposal would have no significant adverse impact on amenity and complies with the relevant policies of the adopted South Lanarkshire Local Development Plan 2 (Policies 2, 5, 9 and DM1). There are no additional material considerations which would justify refusing to grant consent.

Alistair McKinnon

Interim Executive Director (Community and Enterprise Resources)

Date: 25 January 2022

Previous references

- ◆ EK/09/0242 – Planning Committee – 22 September 2009

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 20.08.2021
- ▶ Consultations
 - Roads Development Management Team 14.09.2021
 - Environmental Services 01.09.2021

► Representations	Dated:
J. E Allan, 94 Franklin Avenue, Westwood, East Kilbride, G75 8LS	10.09.2021
Ms C Paterson, 28 Kirkton Park, East Kilbride, G74 4HT	31.08.2021
Ms L Thompson, 21 Strathnairn Avenue, East Kilbride, G75 8FW	31.08.2021
Mrs Gwen Phillips, 5, Macfie Place, East Kilbride, G74 4TY	31.08.2021
Mrs Ann Walker, 4 Whitsundale, Stewartfield, East Kilbride, G74 4NL	01.09.2021
Mrs Susanne Mclean, 11 Ochil Court, East kilbride, G75 9GJ	31.08.2021
Mrs Lesley Daley, 37 Glen Tennet, St Leonards, East Kilbride, G74 3UX	31.08.2021
Claire Pegg, No 1 Marsden Street, Manchester, M2 1HW	15.09.2021

Contact for further information

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

Declan King, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
 Phone: 01698 455049
 Email: declan.king@southlanarkshire.gov.uk

Conditions and reasons

01. That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority. The development shall thereafter be carried out in accordance with the approved details to the satisfaction of the Council as Planning Authority.

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

02. 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. The development shall thereafter be carried out in accordance with the approved details to the satisfaction of the Council as Planning Authority.

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

03. Prior to development commencing on site, a dust management and monitoring scheme shall be submitted to and approved 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.

04. That, before the development hereby approved is completed or brought into use, a suitable system of site drainage shall be provided to prevent surface water flowing onto the public road and shall be satisfactorily maintained thereafter, all to the satisfaction of the Council as Roads and Planning Authority.

Reason: In the interests of road safety.

05. That, during the construction stage associated with the development hereby approved:

- Appropriate cleaning systems should be put in place within the site to ensure mud and debris is not deposited on the public road;
- Wheel wash facilities/ road cleaning regime must be provided;

to the specification and satisfaction of the Council as Roads and Planning Authority.

Reason: In the interests of road safety.

06. That, before works commence on site, a plan showing details of a turning area and parking provision for site staff/operatives shall be submitted to and approved by the Council as Roads and Planning Authority. Thereafter, the approved details shall be put in place on site and maintained for the duration of the works to the satisfaction of the Council as Roads and Planning Authority.

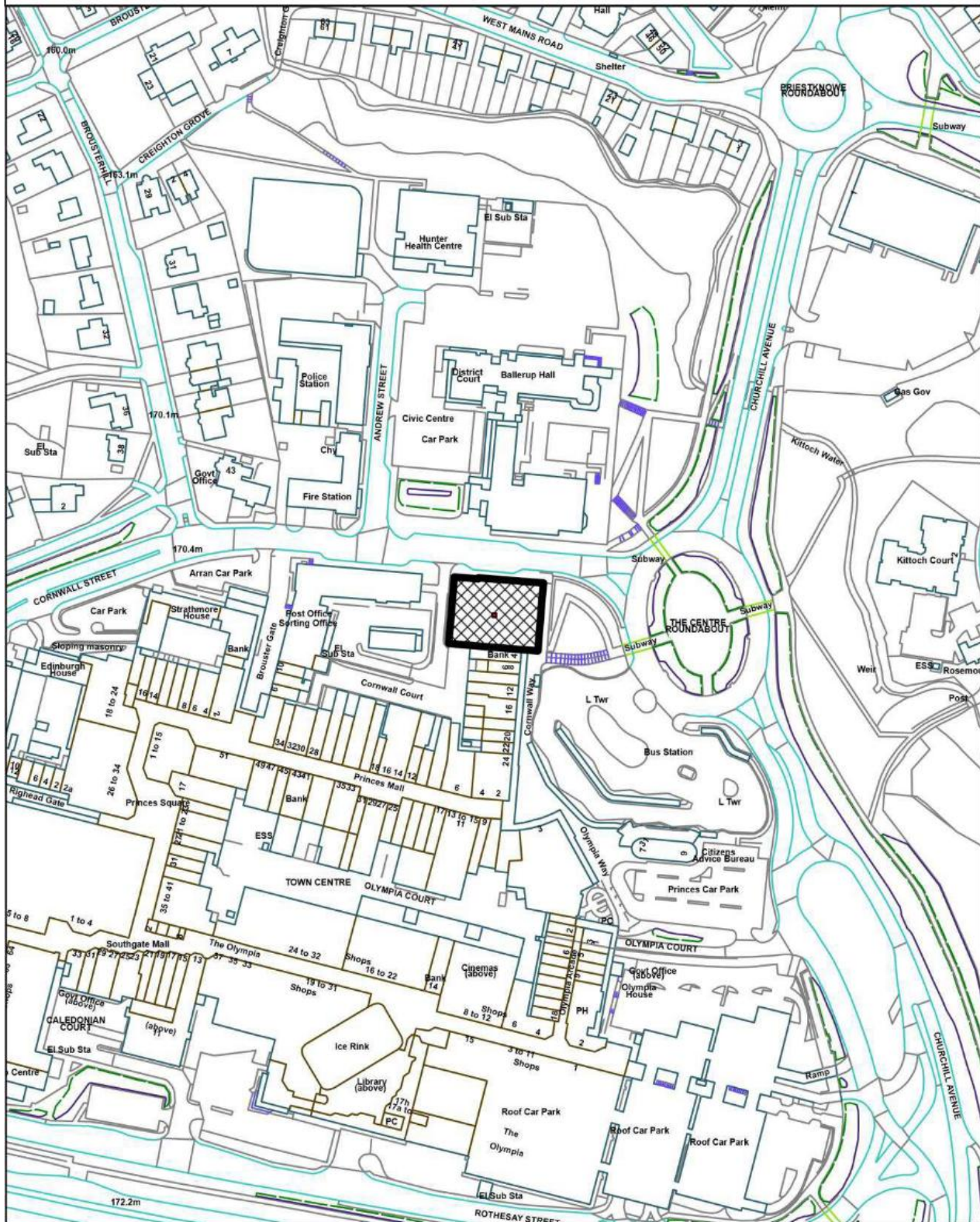
Reason: In the interests of road safety.

07. That, prior to the commencement of works on site, full details of the proposed temporary landscaping along Cornwall Way shall be submitted to and approved by the Council as Planning Authority. The approved details shall be put in place on site before the development is brought into use and shall thereafter be maintained to the satisfaction of the Council until such time as it is agreed by the Council that they can be removed from the site.

Reason: In the interests of visual amenity.

P/21/1444

Site of former Stuart Hotel, 2 Cornwall Way, EK



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South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

11

Report to:	Planning Committee
Date of Meeting:	15 February 2022
Report by:	Interim Executive Director (Community and Enterprise Resources)

Application no.	P/21/0604
Planning proposal:	Erection of 1 'off grid' holiday cabin

1. Summary application information

Application type:	Detailed planning application
Applicant:	Cleghorn Farm Trust
Location:	Cleghorn Mains Access From A706 To Cleghorn House Cleghorn Lanark ML11 7RN

2. Recommendation(s)

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

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

2.2 Other actions/notes

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

3. Other information

- ◆ Applicant's Agent: n/a
- ◆ Council Area/Ward: 02 Clydesdale North
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (Adopted 2021)**
Policy 2: Climate Change
Policy 4 - Green Belt and Rural Area
Policy 5 - Development Management and Placemaking
Policy 6 – Visitor Economy and Tourism
Policy VET2 - Visitor Accommodation
Policy GBRA1 – Rural Design and Development
Policy GBRA2 – Business Proposals within Green Belt and Rural Area

◆ **Representation(s):**

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

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Countryside and Greenspace

Planning Application Report

1. Application Site

- 1.1 The applicant seeks planning consent for the erection of 1 'off grid' holiday cabin at Cleghorn Farm Trust, Cleghorn Mains, Cleghorn.
- 1.2 The proposed 'off grid' cabin would be located in a natural clearing in close proximity to a path and stone wall. The site is relatively isolated within the 250 acre Cleghorn estate but is within walking distance of the applicant's property and the existing car park area as detailed in the submitted drawings.
- 1.3 A supporting document in the form of a business plan has been submitted with the current application, explaining the background to the application. This states that the application is necessary to ensure the longevity and future of Cleghorn Estate and Farm. Further, it will provide additional, much needed tourist accommodation located close to the New Lanark World Heritage Site and other nearby tourism related destinations.

2. Proposal(s)

- 2.1 The applicant seeks planning consent for the erection of 1 'off grid' holiday cabin at Cleghorn Farm Trust, Cleghorn Mains, Cleghorn.
- 2.2 It should be noted that when the planning application was initially submitted the proposal was for 5 'off grid' holiday cabins, however, this was amended to the current proposal for 1 'off grid' holiday cabin.
- 2.3 The detailed plans submitted indicate that the proposed unit would be under 20 square metres, approximately 4.8 metres wide and 3.8 metres in depth and 2.8 metres high. It would be made of sustainably sourced, slow grown spruce and would be treated in natural looking stain. It would have two separate areas: one for sleeping and the other for living/dining. The roof and floor will be insulated and have a solar powered light while heating and cooking will be provided via a wood-burning stove using locally sourced, seasoned wood. In line with a sustainable approach, water will be sourced from an existing private supply and will be brought in, as will firewood. Humanure toilets would ensure that water sources are unaffected. There would be recycling facilities provided at the main car park. Access would be via the existing access roads onto the farm. Tourists would park in the small yard and walk up to the cabins using wheelbarrows to transport their belongings. Alternatively, they could request that their belongings be taken up to the cabin on a quad bike for a small fee.
- 2.4 The supporting business plan comments that Cleghorn Estate and Farm has been in the same family for generations and, as the current stewards of the land, the applicant would like to ensure its longevity and future productivity by diversifying its activities. At present, Cleghorn Farm Trust is currently running several businesses including storage containers, sheds for rent, agricultural lets (arable and grazing), woodland for rent, hydropower and weddings. Cleghorn Farm has always been a working farm although its fortunes have always been linked with those of farming in general. Its current size is 250 acres, which is as small as the estate has ever been and the aim of the various businesses outlined above is to ensure the long-term survival of the estate through significant diversification of the outlying areas of the farm that are not already used for either farming or other activities such as storage. In establishing their first venture, Outdoor Cleghorn, the principal aim was to do so with minimum financial input, in as low-impact a manner as possible and in a way that did not impact on the existing businesses. The proposal herein aims to replicate that approach and to further enhance the sustainable credentials of the estate by employing people locally and by

encouraging local engagement with the land. The aim is to bring more people to both Cleghorn and the wider Lanark area. Being almost equidistant from Scotland's two biggest cities and being close to New Lanark and the Clyde Valley, the site is suitably located to attract people to the Lanark area while also being able to generate local business. The proposal is for the erection of an off-grid cabin on a site that is currently not used for agricultural purposes. The proposed cabin would provide the applicant with some proof of concept while also giving funding with which to construct shower and washing facilities. It is also envisaged, should this proposal be successful, that a further application would be submitted by the applicant for the construction of up to 4 additional cabins at other locations around the farm. Any additional cabins would follow the same ethos and in the fullness of time could generate employment for at least one person.

3. Background

3.1 Local Plan Status

3.1.1 In determining this planning application, the Council must assess the proposed development against the policies contained within the adopted South Lanarkshire Local Development Plan 2 (2021). As such, the site is located within the Green Belt and therefore Policy 4 - Green Belt and Rural Area is applicable. The proposed development requires to be assessed against the following 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 VET2 - Visitor Accommodation
- ◆ Policy GBRA1 – Rural Design and Development
- ◆ Policy GBRA2 – Business Proposals within Green Belt and Rural Area

3.2 Relevant Government Advice/Policy

3.2.1 None relevant.

3.3 Planning Background

3.3.1 None relevant.

4. Consultation(s)

4.1 **Roads and Transportation Services** – No objection commenting that they support the application.

Response: Noted.

4.2 **Environmental Services** – No objection subject to the imposition of planning conditions relating to waste control, water supply and standard informatives relating to noise and safety.

Response: Noted.

4.3 **Countryside and Greenspace** – No response.

Response: Noted.

5. Representation(s)

5.1 Statutory neighbour notification was undertaken including a press advert. One representation has been received.

5.2 The grounds of objection can be summarised as follows:-

a) Object to the application if any trees are to be removed on the grounds of sustainability.

Response: The applicant has confirmed that no trees will be removed.

5.3 This letter is available for inspection on the planning portal.

6. Assessment and Conclusions

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

6.2 Within the adopted 2021 South Lanarkshire Local Development Plan 2, the application site lies within the designated Rural Area. Policies 2 - Climate Change, 4 – Green Belt and Rural Area, 5 - Development Management and Place Making, Policy 6 - Visitor Economy and Tourism, Policy VET2 - Visitor Accommodation, Policy GBRA1 - Rural Design and Development and Policy GBRA2 – Business Proposals within Green Belt and Rural Area, therefore apply. Collectively these policies seek to promote the principles of sustainability in development and aim to make a positive contribution to the character and appearance of the environment in which they are located, taking account of and being integrated with the local context and built form. Proposals which integrate successfully with their surroundings, and which are well related to existing development, public transport, local services and facilities are also encouraged.

6.3 Policy 6 – Visitor Economy and Tourism states that the provision of new high quality visitor accommodation will be supported, whilst Policy VET2 – Visitor Accommodation provided specific guidance on proposals for tourism accommodation, both within settlements and in the rural area. Following a detailed assessment, including a recent site visit, it is considered that in terms of scale, design and siting, the application site is capable of accommodating the proposed 'off grid' holiday cabin without having any detrimental impact on the visual or rural amenity of the surrounding area. The applicant resides in the existing farm and they will operate proposed guest accommodation. The property is located some distance from the local road network and would not be highly visible from the surrounding area. The use and scale of the proposed cabin is considered acceptable and will not have any detrimental effect on the amenity of the area. It is also considered that the site can be accessed by an acceptable vehicular access and has adequate proposed parking provision. It is considered the proposal will provide a reasonable form of tourism accommodation, representing an appropriate form of rural diversification. The applicant has provided a supporting business plan as detailed previously to demonstrate that there is a locational requirement for the business and that it could be viable. In addition, its location will be convenient to visitors utilising the nearby scenic Clyde Valley landscape and many visitor attractions along the A72 tourist route in South Lanarkshire. The imposition of a planning condition will restrict the use of the proposed 'off grid' holiday cabin to tourist and holiday accommodation. Overall, it is considered that the proposal is in full accordance with the requirements of Policy 6 - Visitor Economy and Tourism and Policy VET2 – Visitor Accommodation. In summary, the proposal is considered to generally comply with Policies 2, 4, 5, 6, VET2, GBRA1 and GBRA2 of the adopted South Lanarkshire Local Development Plan 2.

6.4 Following neighbour notification and advertisement of the application one letter of representation was received. The point raised is summarised in Section 5 above. It is not considered that the matter raised would merit refusal of the application in this case.

6.5 In summary, it is considered that the application conforms with local plan policy and that the proposal raises no significant environmental or infrastructure issues. It is therefore recommended that the application be granted.

7. Reasons for Decision

7.1 The proposal generally complies with Policies 2, 4, 5, 6, VET2, GBRA1 and GBRA 2 of the South Lanarkshire Local Development Plan 2. There are no other material considerations which would justify the refusal of planning permission.

Alistair McKinnon

Interim Executive Director (Community and Enterprise Resources)

Date: 27 January 2022

Previous references

♦ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 28 May 2021
- ▶ Business Plan, September 2021
- ▶ Press advert dated 9 June 2021

▶ Consultations

Roads Development Management Team 24.06.2021

Environmental Services 27.05.2021

▶ Representations

Dated:

Mr Christopher Tomlinson, 37 Kingsheath Avenue, 18.05.2021
Kings Park, Rutherglen 02.03.2021

Contact for further information

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

Murray Reid, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
Phone: 01698 453625
Email: murray.reid@southlanarkshire.gov.uk

Conditions and reasons

1. That the use of the tourist accommodation hereby approved shall be restricted to holiday occupation only and shall not be let or used as the sole residence of any one person, family, or group. No individual, family, company, group or any other type of occupant shall occupy the accommodation for more than 12 weeks in any calendar year.

Reason: To ensure that the economic benefit of this tourism development is not lost by the accommodation becoming occupied by long term or permanent residents and to ensure compliance with local plan policy.

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

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

3. The applicant shall submit an assessment for the proposed water supply to satisfy the Council, as Planning Authority that the supply will be sufficient and wholesome in terms of its quality and quantity for its intended purpose. The report shall include, as a minimum, the following information:
 - Confirmation of the location, type and source of supply
 - A 'Risk Assessment' within the meaning of the Private Water Supply (Scotland) Regulations 2006 to determine the suitability of the supply for its intended purpose
 - Seasonal flow rates for the proposed supply

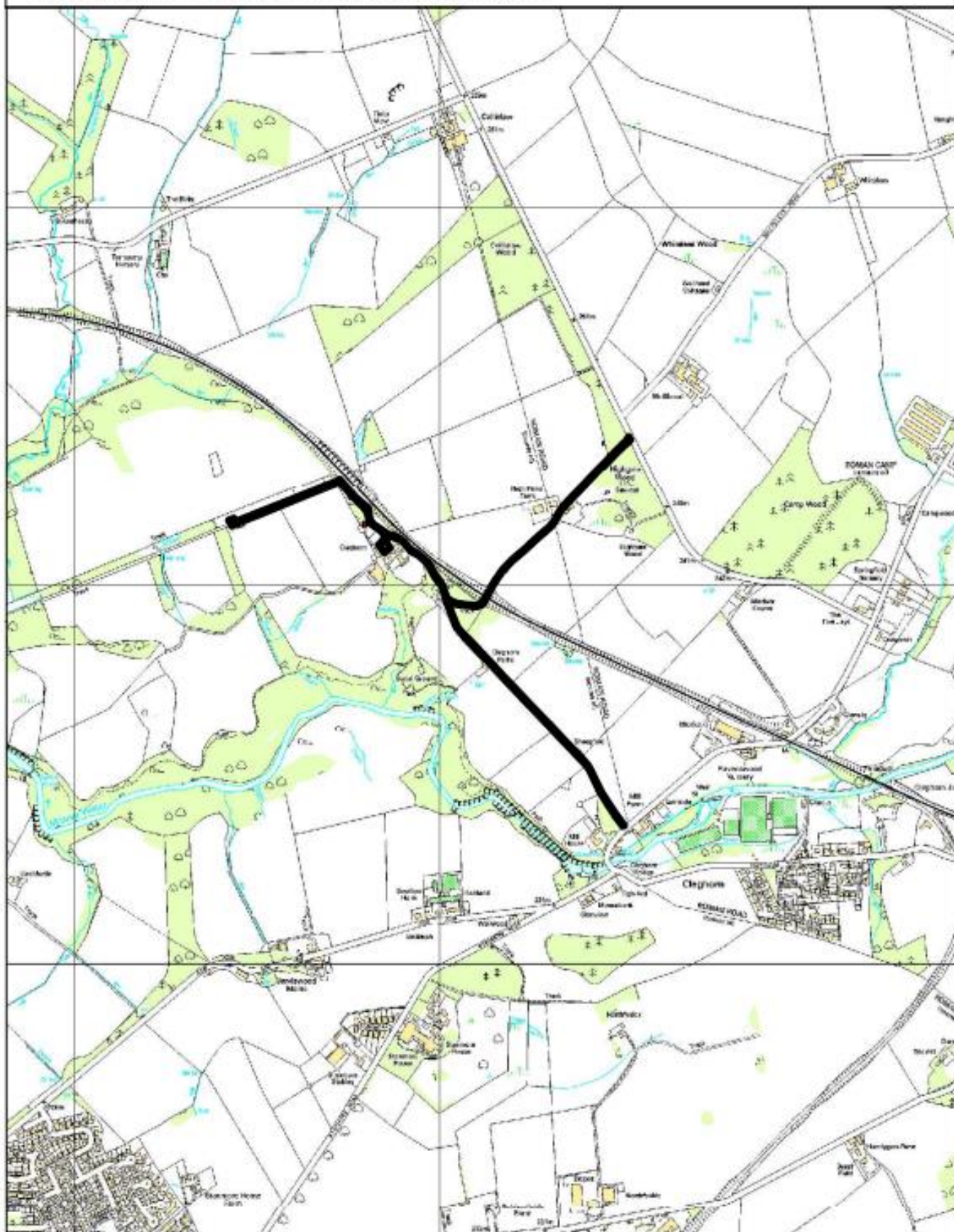
Reason: To ensure that the development can be served by a satisfactory water supply.

4. That before the development hereby approved is occupied/brought into use a private water supply shall be provided to the satisfaction of the Council as Planning Authority.

Reason: To ensure that the development is timeously served by a satisfactory water supply.

P/21/0604

Cleghorn Mains, Access from A706 to Cleghorn House, Cleghorn



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Scale:
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Date:
20/01/2022



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

12

Report to:	Planning Committee
Date of Meeting:	15 February 2022
Report by:	Interim Executive Director (Community and Enterprise Resources)

Subject	South Lanarkshire Local Development Plan 2 Supporting Planning Guidance: ♦ Community Infrastructure Assessment
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1. Purpose of Report

1.1 The purpose of the report is to:-

- ♦ inform the Committee of the work undertaken to prepare Supporting Planning Guidance (SPG) on Community Infrastructure Assessment related to the South Lanarkshire Local Development Plan 2 (SLLDP2)
- ♦ advise the Committee of the policy direction taken in the SPG
- ♦ seek Committee approval for the proposed SPG as set out in the Appendix and the carrying out of a 6 week period of public consultation
- ♦ inform the Committee of the next steps in preparing further SPGs

2. Recommendation(s)

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

- (1) that the Supporting Planning Guidance on Community Infrastructure Assessment, attached as an Appendix to the report, be approved;
- (2) that the Supporting Planning Guidance be published and made available for a 6 week period of consultation during February and March 2022; and
- (3) that the Head of Planning and Building Standards Services be authorised to undertake the appropriate procedures and to make drafting and technical changes to the Supporting Planning Guidance prior to its publication for consultation.

3. Background

3.1 The Planning Committee on 1 December 2020 agreed to carry out the necessary steps to adopt the proposed South Lanarkshire Local Development Plan 2 (SLLDP2). The Plan was submitted to Scottish Ministers in February 2021 for them to advise of the Council's intention to adopt the Plan and notice was received in March that adoption could proceed. The SLLDP2 was subsequently adopted in April 2021.

3.2 Members may also recall that when the proposed SLLDP2 was approved it was highlighted that, in order to respond to the need for development plans to be concise and focused, further detailed information, advice and guidance would be contained in Supporting Planning Guidance. Previously this would have taken the form of Supplementary Guidance (SG) and formed part of the Development Plan. However, the Planning (Scotland) Act 2019 will remove the ability for planning authorities to prepare SG. However Circular 6/2013 – Development Planning states that planning authorities may issue non-statutory planning guidance without having to comply with the procedures involved in the production of statutory SG. Non-statutory planning

guidance may be used to provide detail on a range of subject areas. This form of guidance does not form part of the Development Plan but adoption of it by the Council gives it a formal status, meaning that it will be a material consideration in decision making on planning applications.

- 3.3 The purpose of the Supporting Planning Guidance is to support the policy approach already contained within the adopted SLLDP2 by providing more detailed guidance and advice. The SPG expands on the policy direction set out in SLLDP2 and translates this into detailed guidance. The purpose of each SPG is solely to reinforce and support the terms of the policies already contained in the adopted SLLDP2. The SPG does not alter either the aims or purposes of the policies.
- 3.4 Going forward it is intended to prepare SPG on a range of topics. This work has been continuing and Supporting Planning Guidance on Carrying out Development at a Dwellinghouse and Electric Vehicle Charge Points was approved by the Planning Committee on 16 November 2021 and these are currently the subject of consultation. A further SPG on Community Infrastructure Assessment (CIA) has now been prepared. This has involved a review of existing Supplementary Guidance that formed part of SLLDP2. It contains guidance on what developments will be subject to CIA; a detailed methodology of how levels of contributions for each of the subject areas listed in 4.1 below will be carried out; and how contributions will be collected. Crucially it establishes that CIA is only required for housing developments comprising 20 units or more.

4. Legislative and Policy Context

- 4.1 Community Infrastructure Assessment is the process whereby the Council can seek financial contributions from developers where development proposals require capital or other works to enable the development to proceed by mitigating the impact on essential infrastructure. This may involve:-

- ◆ The direct provision of works or facilities by developers
- ◆ A financial contribution to fund off site provision
- ◆ A combination of these

Developer contributions are not like other funds which are available for local communities to bid for. They have to be sought in line with government policy and must directly relate to the impact the development would have on an area. It is also not appropriate for developers to be asked to pay to address existing shortfalls in the provision of Council facilities or services nor address defects such as structural repairs to existing buildings which are not linked to the development. Policy 7 – Community Infrastructure Assessment in SLLDP2 sets the high level policy context on this issue. It limits the areas in which contributions may be sought to the following:-

- ◆ Affordable Housing
- ◆ Roads and Transportation
- ◆ Education provision
- ◆ Recreation
- ◆ Council-owned community facilities

- 4.2 The legislative basis for seeking developer contributions is found at section 75 of the Town and Country Planning (Scotland) Act 1997. This allows the Council to enter into a planning obligation to restrict or regulate the development or use of land including a requirement to make payments where appropriate. The obligation is registered in the Land Register of Scotland which means it is enforceable by the planning authority against the owner of the land and successors in title.

4.3 More detailed guidance is set out in Circular 3/2012 - Planning Obligations and Good Neighbour Agreements. A revised version of which was published in November 2020. Planning obligations allow the grant of planning permission by reducing, eliminating or compensating for potentially negative impacts resulting from a development. The Circular sets out 5 tests that planning obligations are required to meet to be lawful. They should:-

- ◆ be necessary to make the proposed development acceptable in planning terms
- ◆ serve a planning purpose
- ◆ relate to the proposed development either as a direct consequence of the development including the cumulative impact of development in the area
- ◆ fairly and reasonably relate in scale and kind to the proposed development
- ◆ be reasonable in all other respects

4.4 It goes on further that consideration should be given to the economic viability of proposals when deciding the form and scale of contributions as an obligation may have a financial impact for developers and make proposals uneconomic. Cash flow can also be affected in cases where substantial sums of money have to be paid either before the development gets under way or at an early stage in construction. This can be addressed by agreeing phased payments. The Council asks for the developer to undertake a financial viability assessment for the development taking account of the level of contributions being asked for. This allows a reasonable and proportionate approach to the level of contributions expected and the timing of the works being carried out/making of payments. The aim is to strike a balance between setting contributions levels so that they address any direct impact of the development and ensuring the proposal remains viable. Once submitted, the viability assessment is reviewed by an independent assessor. This will include reference to build costs and other abnormal costs (for example the remediation of contaminated land).

5. Supplementary Planning Guidance – Community Infrastructure Assessment

5.1 A review of the Community Infrastructure Assessment Supplementary Guidance has been carried out and a number of changes are proposed as follows

5.2 Reducing threshold for seeking contributions

As noted above, contributions are currently sought from housing developments comprising 20 units or more. A review of this figure has been undertaken in recognition that smaller developments can have an impact on existing infrastructure and service provision. This included looking at the approach of other Planning Authorities which found that South Lanarkshire Council is the only one with a figure of 20 units set across all categories. In contrast, several predominantly rural authorities seek contributions from single house developments while the most common threshold is set at 4 units or more. Only two Planning Authorities set a minimum figure of 10 units.

Overall, it is considered that reducing the figure to 5 units is appropriate as this would reflect more accurately the effect new development has on services, in particular, the cumulative impact of a number of small developments. In contrast, a threshold of less than 5 units would result in a considerable administrative burden while resulting in low value contributions that would not bring significant community benefit. Setting the figure at 5 units is therefore the recommended approach. The proposed changes would result in an increase in the number of cases requiring developer contributions (approximately 15 per annum on average based on applications over the last 3 years) which is considered to be manageable and proportionate. A secondary issue is the impact of lowering the threshold on Small and Medium Enterprises. Small housebuilders are local business and from an economic development viewpoint there is a desire to help small businesses retain and safeguard jobs as we emerge from the

impact of the Pandemic. For that reason, it is not proposed to take contribution in any categories for less than 5 units. In addition, it will continue to be the case that contributions will not be sought from Registered Social Landlords (for example Housing Associations) from their affordable housing schemes.

The one exception to the above relates to contributions for affordable housing from private housebuilders. The high-level Policy 12 – Affordable Housing in SLLDP2 states that affordable housing provision will only be sought for developments of 20 or more units. This sets the context on this issue and under current legislation the figure could only be changed if the entire Local Development Plan were reviewed. It is therefore intended the 20 unit threshold will remain in this respect. Nevertheless, this matter will be reviewed when work starts on the preparation of the next Local Development Plan.

5.3 Education contributions

In assessing the need for additional educational accommodation an annual assessment is carried out by Education Resources for both denominational and non-denominational establishments. This considers the capacity at each of the secondary schools and the associated feeder primary schools. The housing land supply figures for each educational catchment area (referred to as learning communities in South Lanarkshire) are fed into the capacity assessment. This gives an indication of any shortfall in school places for each primary and secondary school within the Council area as a result of the new development and the level of contribution required per dwelling constructed in that learning community together with the level of any required contribution to nursery provision.

Several changes have been promoted by Education Resources to better reflect the school population since the SG was produced. The likely number of pupils generated is based on a pupil generation formula which assumes that 35 pupils per year group will be generated by 1,000 new dwellings. The current figure used is 30. Following on from this a 75/25% non-denominational/denominational split is applied. This split does vary across South Lanarkshire and therefore, where appropriate, Education Resources may apply an area specific split to the projected number of pupils generated where it differs from the Council wide average of 75%/25%. Finally, the year groups accounted for are Nursery – 2.27 years, Primary - 7 years and Secondary - 5.75 years. At the moment these figures are 1 year, 7 years and 5.5 years respectively.

5.4 Active travel

At present contributions towards the impact of development on the road network apply to items such as roundabouts and traffic signals. However, the revised SPG proposes extending this to cover measures to promote active travel. Applications requiring a Transport Assessment or Transport Statement should be accompanied by an active travel plan to show the proposal promotes opportunities for travel by sustainable travel modes. Direct reference should be made to the Council's active travel for the settlement (see below).

The Council has completed a number of Active Travel Studies for its main settlements. These documents will inform decision making on planning applications and help identify measures to incorporate active travel schemes to serve new development. A number of additions and improvements to the existing cycling network are included in each. In addition, the South Lanarkshire Cycling Strategy identifies proposed strategic routes across the area.

Emerging national planning policy sees 20 Minute Neighbourhoods as a means of achieving compact and connected neighbourhoods to ensure people meet the majority of their daily needs within a reasonable walk, wheel or cycle of their home. New

housing developments will be required to encourage people to live more locally and contribute to the creation of sustainable travel options and safe living environments.

As a result, developers will be required to consider how these aspirations can be met. Layouts for new developments will be required to show how safe active travel connections to the neighbouring area can be achieved. In addition, applicants will need to demonstrate how their schemes will contribute to sustainable travel by either creating new or enhancing existing active travel networks (taking into account the Council's existing priorities) or providing associated facilities to facilitate active travel such as the implementation of 20mph speed limits and gateways to settlements or neighbourhood areas and the provision of cycle shelters or bicycle charging points.

5.5 Libraries/community halls

The proposed SPG includes a new detailed methodology for identifying the need for, and a methodology for calculating, contributions to address the impact of new development on existing community assets such as libraries and community halls. The reference to the 20 Minute Neighbourhood concept above is equally relevant in this section of the guidance. The general approach when assessing the impact of a proposal on community facilities will be to continue to improve and expand existing facilities to meet the new demand generated by new developments before considering the creation of new facilities or assets, but with consideration being given to the need to ensure that facilities are accessible to the community.

The need for a contribution for improved library and/or hall provision will be established by comparing the current capacity of the library and population it serves against the number of people likely to be generated by the new development. Where new development places demand on the facility above its physical capacity, a new building or an extension to an existing facility may be required. A similar calculation can be made in relation to library stock.

It should be noted that existing guidance on the provision of play and recreation facilities in a new development and the need to make a contribution to provide new, or upgrade existing, local facilities (as set out in the Residential Design Guide) remains unchanged at present. However, it is intended this will be the subject of review when the Residential Design Guide is refreshed, and work starts on the now statutory Open Space Strategy. The value of the financial contribution towards the provision of, or the upgrading of, existing facilities in lieu of on-site provision will range from £1,500 upwards per dwelling for the time being.

6. **Next Steps**

- 6.1 It is recommended that the proposed SPG as set out in the Appendix is approved. If approved, it is intended to finalise the document and thereafter it will be published and made available for public comment during February/March 2022 for a 6 week period.
- 6.2 Following public consultation a report will then be produced summarising the comments received, the Council's response and any suggested revisions to the SPG. This report will be considered at a future meeting of the Planning Committee.
- 6.3 Subject to the Committee's approval, the proposed SPG will become a material consideration in the determination of planning applications alongside the adopted South Lanarkshire Local Development Plan 2.

6.4 The Committee should also note that it is anticipated further SPGs will be produced covering:-

- ◆ Town and Neighbourhood Centres
- ◆ Residential Design Guide
- ◆ Rural Design and Landscape Impact
- ◆ Biodiversity
- ◆ Climate Change and Sustainability

These will be reported to the Planning Committee when they are prepared and thereafter be the subject of public consultation.

7. Employee Implications

7.1 The preparation of the Supporting Planning Guidance and subsequent publicity and potential changes will be carried out using existing staff resources within Planning and Economic Development Services.

8 Financial Implications

8.1 The financial resources required to deliver the Local Development Plan including any associated SPGs is based upon current budget levels available to Planning and Building Standards Services. Changes in these resources may impact on the programmes presented.

9. Climate Change, Sustainability and Environmental Implications

9.1. A Strategic Environmental Assessment (SEA) of Local Development Plan 2, including the Plan's spatial strategy, policies and potential development sites, was carried out as required by the Environment Assessment (Scotland) Act 2005. The comprehensive and robust SEA helped to ensure that SLLDP2 fulfils its purpose of providing a clear framework to direct development in an environmentally sustainable way, ensuring any wider environmental issues were considered as far as reasonably possible. The SEA helped to improve the linkage between the local environment, sustainable lifestyles and the potential for promoting sustainable economic development across communities.

9.2 A SEA Screening Report for the SPG was prepared and submitted to the statutory Consultation Authorities (Historic Environment Scotland, NatureScot and Scottish Environment Protection Agency) for their consideration. All three agencies have advised that further SEA work is not required as the SPGs are unlikely to have significant environmental effects other than those already identified, assessed and reported within the SEA of SLLDP2.

10. Other Implications

10.1 The SLLDP2 was adopted in April 2021. However it is necessary to provide detailed guidance to support the adopted planning policies. There would be a reputational risk if this was not undertaken. The SPG proposed is aimed at providing clarity and transparency on seeking developer contributions. in South Lanarkshire.

11. Equality Impact Assessment and Consultation Arrangements

11.1 An Equalities Impact Assessment (combining Child Rights and Wellbeing Impact Assessment) is not required.

11.2 Consultation on the SPG will be carried out as described in section 6.

Alistair McKinnon
Interim Executive Director (Community and Enterprise Resources)

4 February 2022

Link(s) to Council Values/Ambitions/Objectives

- ◆ Accountable, effective, efficient and transparent
- ◆ Make communities safer, stronger and sustainable
- ◆ Improve the quality of life of everyone in South Lanarkshire

Previous References

- ◆ Report to Planning Committee 1 December 2020

List of Background Papers

- ◆ Planning (Scotland) Act 2019
- ◆ Circular 6/2013 – Development Planning
- ◆ Circular 3/2012 - Planning Obligations and Good Neighbour Agreements
- ◆ South Lanarkshire Local Development Plan 2 adopted April 2021

Contact for Further Information

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

Tony Finn, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
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E-mail: tony.finn@southlanarkshire.gov.uk

1.0 Introduction

Supplementary Guidance (SG) on a range of matters was prepared under the provisions of Section 22 of the Planning etc. (Scotland) Act 2006 and formed part of the South Lanarkshire Local Development Plan that was adopted by the Council in 2015. Following the adoption of South Lanarkshire Local Development Plan 2 in 2021 the statutory status of existing Supplementary Guidance as part of the development plan fell. As a result the Council has started a process of reviewing the existing SG. Nevertheless they will continue to be used in the decision making process for planning applications as they remain the Council's agreed position until they are replaced.

When in force Section 9 of the Planning (Scotland) Act 2019 will remove the ability of Planning Authorities to prepare new Supplementary Guidance. Circular 6/2013 – Development Planning states that planning authorities may issue non-statutory planning guidance to provide detail on a range of subject areas. This form of guidance does not form part of the development plan. However, adoption by the Council gives it formal status, meaning that it will be a material consideration in decision making. Planning guidance can be updated as required and without the need for approval by Scottish Ministers.

The Council has prepared draft Supporting Planning Guidance (SPG) to provide information and assistance to developers regarding Community Infrastructure Assessment in relation to seeking developer contributions. The guidance supports the policies in South Lanarkshire Local Development Plan 2, in particular Policy 7 – Community Infrastructure Assessment, and will be a material consideration in the determination of planning applications. This SPG is intended to provide guidance at an early stage on the nature and scale of contributions that may be sought in order that these can be taken into account and factored into a developer's financial appraisal. Throughout assessment of these needs it will be the Council's aim to strike a balance between setting contributions at a level that addresses the projected impact and ensuring that the development remains viable.

The approved SG on Affordable Housing is also of relevance and should be read in association with this SPG. (LINK)

This draft Supporting Planning Guidance was approved for consultation by South Lanarkshire Council at its meeting on 15 February 2022. Comments are now being sought on this document. Although it is non statutory and not formally part of the Development Plan, the Council is seeking the views of consultees, to ensure that it meets the needs of stakeholders and the public.

It will be placed on public consultation for six weeks from **XXX** 2022 until **XXX** 2022. Comments on this Supporting Planning Guidance can be made by completing the online response form available at: www.southlanarkshire.gov.uk following the links to the Local Development Plan from the planning pages. Following the six weeks of public consultation, consideration will be given to all comments received. A further report to the Planning Committee will then be produced summarising all comments received, the Council's response to each representation, and any suggested revisions to the document.

Supporting assessments

A series of assessments informed the preparation of the SPG. The technical studies are noted below.

Strategic Environmental Assessment

In accordance with the Environmental Assessment (Scotland) Act, 2005, the Council prepared and submitted a strategic environmental assessment (SEA) screening report to the statutory consultation authorities, summarising its view that this SPG is unlikely to have significant environmental effects. The consultation authorities agreed with the Council's view and the Council made a formal determination that a SEA is not required for this SPG. The Council reached this view because it sits under the hierarchy of the Glasgow and the Clyde Valley Strategic Development Plan and the South Lanarkshire Local Development Plan 2, both of which have undergone SEA. The SG does not seek to change or amend policies in these plans, including Policy 7 Community Infrastructure Assessment.

Habitats Regulations Appraisal

A Habitats Regulations Appraisal (HRA) screening exercise for this SPG will be undertaken in compliance with the EC Habitats Directive (Council Directive 92/43/EEC), and the Conservation (Natural Habitats, &c.) Regulations 1994 as amended. This will be included in the HRA Record for the SLLDP. Any changes required as a result of the HRA shall be incorporated in the finalised supplementary guidance.

Equalities Impact Assessment

An Equalities Impact Assessment of the South Lanarkshire LDP2 community infrastructure assessment policy was carried out and it was concluded that there are no adverse impacts on any of the communities covered by equalities legislation or on community relations.

The above technical studies can be viewed on the Council's website and are available on request from the Council.

NB The SPG makes various references to policy and guidance from the Scottish Government and other statutory agencies. As this may change during the lifetime of the SPG, developers are advised that they must comply with the version that is current at the time of their application.

2.0 Context

The legislative basis for seeking developer contributions is found at section 75 of the Town and Country Planning (Scotland) Act 1997. This allows planning authorities to enter into a planning obligation to restrict or regulate the development or use of land including a requirement to make payments where appropriate. The obligation is registered in the Land Register of Scotland which means it is enforceable by the planning authority against the owner of the land and successors in title.

Developer contributions are not like other funds which are available for local communities to bid for. They have to be sought in line with the tests described below and must directly relate to the impact the development will have on an area. In addition, developers will not be asked to pay to address existing shortfalls in the provision of Council facilities or services nor address defects such as structural repairs to existing buildings which are not linked to the development.

More detailed guidance is set out in Circular 3/2012 - Planning Obligations and Good Neighbour Agreements. A revised version was published in November 2020. It advises that the planning system guides the future use of land and in considering planning applications, authorities must consider each application on its merits based on the development plan and any other material considerations. Planning obligations can be useful to overcome obstacles which may otherwise prevent the grant of planning permission by mitigating negative impacts a development may have on land use, the environment or infrastructure.

It goes on to state consideration should be given to the economic viability of proposals when deciding the form and scale of contributions as a planning obligation may have a financial impact for developers and make proposals uneconomic. Cash flow can also be affected in cases where substantial sums of money have to be paid either before the development gets under way or at an early stage in construction. This can be addressed by agreeing phased payments.

The Circular sets out 5 tests that planning obligations must meet to be lawful. All of the tests should be met for the obligation to be appropriate. They should

- Be necessary to make the proposed development acceptable in planning terms
- Serve a planning purpose
- Relate to the proposed development either as a direct consequence of the development including the cumulative impact of development in the area
- Fairly and reasonably relate in scale and kind to the proposed development
- Be reasonable in all other respects

A draft National Planning Framework 4 (NPF4) was published by the Scottish Government for consultation in November 2021. In relation to planning obligations it states that there is a review of developer contributions being carried out to evaluate the effectiveness of existing mechanisms to inform potential new approaches taking into account the powers to introduce an infrastructure levy in the Planning (Scotland) Act 2019.

Local development plan policy

Policy 7 of the South Lanarkshire Local Development Plan 2 relates to community infrastructure assessments and states that these are required to recognise the impact a development may have on a specific area, for example on the road and footpath network, education provision, recreational and community facilities.

Where development proposals would require capital or other works or facilities to enable the development to proceed, financial contributions towards their implementation will be required. Where justified in accordance with the provisions of Circular3/2012: Planning Obligations and Good Neighbour Agreements, contributions will be sought in relation to affordable housing; roads and transportation; education provision; recreation; and council-owned community facilities. Supporting Planning Guidance will be prepared and consulted on, including in relation to the contributions sought. These contributions will be appropriately assessed, and developers will be required to ensure transparency in the financial viability of a development. In each case contributions must:-

- i. serve a planning purpose*
- ii. be necessary to make the proposed development acceptable in planning terms*
- iii. be directly related to the proposed development*
- iv. be fairly and reasonably related in scale and kind to the proposed development and*
- v. be reasonable in all other aspects.*

The Council will either seek the direct provision of such works or facilities by developers, or, in appropriate cases, a financial contribution from the developer to fund off-site provision either by third parties or by the Council itself. Where contributions are required these should be secured through planning condition or a legal agreement before permission is issued. Lump sum payments for capital works will normally be made when the work is carried out but consideration will be given to the use of endowments, phased payments, or other mechanisms, provided clear timeframes are agreed.

Development proposals must also accord with other relevant policies and proposals in the development plan. Refer to Appendix 1 for relevant Volume 2 policies and additional guidance.

In addition, Policy 12 – Affordable Housing in SLLDP2 is relevant

The Council will expect developers to contribute to meeting affordable housing needs across South Lanarkshire by providing, on sites of 20 units or more, up to 25% of the site's capacity as serviced land for the provision of affordable housing. In addition, other solutions will be considered if these prove to be the most appropriate for the site.

If on-site provision is not a viable option the Council will consider off-site provision in the same Housing Market Area. In these areas the Council expect developers to make a contribution to fund social rented affordable housing on alternative locations within the same Housing Market Area.

The provision of a commuted sum will only be acceptable if on or off-site provision cannot be provided in the locale or there are no funding commitments from the Scottish Government.

Development proposals must also accord with other relevant policies and proposals in the development plan. Refer to Appendix 1 for relevant Volume 2 policies and additional guidance.

3.0 Requirements for community infrastructure assessment

Community infrastructure assessment (CIA) is a process carried out by the Council to identify and address the impact a new development may have on a specific area. The purpose of this SPG is to expand on Policy 7 - Community infrastructure assessment and Policy 12 – Affordable Housing in SLLDP2 and set out the Council's procedure for assessing, determining and collecting any financial contributions arising from the CIA.

Which development proposals will be subject to a Community Infrastructure assessment?

Policy 7 of SLLDP2 limits the areas in which contributions may be sought to the following;

- Affordable Housing
- Roads and Transportation (this will include the public road network as well as walking and cycling routes)
- Education provision (including primary/secondary schools and nursery provision)
- Recreation/open space/play areas
- Council-owned community facilities (including libraries and public halls)

The Council will carry out a community infrastructure assessment for all new housing proposals involving **5 or more units** where it is identified that the development will have an impact on the local infrastructure such as roads, footpath networks, education, community facilities and open space/play provision. It will also include an assessment of the affordable housing contribution from new residential developments of **20 units or more**.

Developer contributions will be calculated on the basis of whole sites. Applications for parts of sites will pay a proportion of the total site contributions. The submission of planning applications for small developments comprising four or less units, where they are clearly part of a phased development of a larger site or part of a larger landholding, to avoid making contributions will not be acceptable.

The Guidance sets out the procedure which shall be followed for assessing contributions. This assessment may also apply to other types of development such as industrial, retail or leisure where appropriate.

What types of development don't require contributions to be made?

A number of exceptions to the policy are set out below.

- The conversion or renovation of a listed building or one that makes a significant contribution to the character of a conservation area
- Special needs housing including sheltered and amenity housing
- Affordable housing developed by, or on behalf of, the Council or by a Registered Social Landlord

How will the community infrastructure assessment be carried out?

The community infrastructure assessment will be carried out alongside the assessment of the planning application. When an application is submitted which is considered to have an impact on local infrastructure, to a degree that requires it to be addressed, the relevant Council Service(s) will be asked to identify the works to address the impact and the potential level of contributions required to carry them out. The affordable housing contribution will also be identified.

Pre-application discussions are highly recommended as early engagement with the planning service can establish if an assessment is needed. Agreement with the planning service on the scope and content of supporting information to inform the CIA will also prevent delays in the consideration of the planning application as well as unnecessary work being carried out.

Policy 7 in SLLDP2 recognises that economic circumstances and funding constraints can affect the viability of a proposal. In such cases the Council will ask for the developer to undertake a **financial viability assessment** for the development taking account of the level of contributions being asked for. This allows a reasonable and proportionate approach to the level of contributions expected and the timing of the works being carried out/phasing of payments. The aim is to strike a balance between setting contributions levels so that they address any direct impact of the development and ensuring the proposal remains viable. Circular 3/2012 includes a 'scale and kind test' in recognition that entering into an obligation can have financial consequences for developers and may make proposals uneconomic.

This will require developers to be transparent in these discussions and provide the information needed to assess the impact of contributions on viability. This will include

- Detailed build costs
- Market evidence
- Valuation reports to support the land values
- A project programme and phasing plan
- Indicative offers for affordable units (if applicable)
- A viability appraisal

4.0 Community infrastructure assessment process

The diagram in Appendix 1 illustrates the process for assessing the levels of contribution required as part of a community infrastructure assessment, together with their delivery. The procedure includes an opportunity for the consideration of the overall level of contributions being sought compared to the development and land costs in order that the viability of the development can be assessed.

Affordable housing

A contribution towards affordable housing is required for all residential developments of **twenty or more dwellings** on a site. Policy 12 of SLLDP2 requires the developer to accommodate **up to 25%** of the total number of units for the provision of affordable housing. This can be through delivery on-site involving either the identification and transfer of serviced land for the Council to build out or a turnkey arrangement where the developer builds the units and transfers them to the Council to manage. Alternatively, the developer may deliver the required number of units at another location off-site or make a financial contribution to delivery elsewhere within the relevant Housing Market Area. The Council's Strategic Housing Investment Plan (SHIP), which sets out how investment in affordable housing will be directed over a 5 year period, will be used to identify where commuted sums will be allocated.

The process for agreeing what type of affordable housing contribution is required is fully detailed in the associated approved Supplementary Guidance on Affordable Housing which sets out the requirements for affordable housing from new housing developments. This recognises that not all sites are suitable for the provision of affordable housing on-site and in these cases a financial contribution will be made towards the provision of affordable housing elsewhere.

It is recommended that early discussions are carried out for any proposal for the erection of twenty or more dwellings to ascertain how this contribution can best be met, that is by providing housing on site or on an alternative site, or by paying a commuted sum to the Council to be used to provide housing in the same Housing Market Area as the proposed development. At this point the Council will advise on the appropriate tenure mix, type and scale of affordable housing that is required to meet the housing need in the Housing Market Area in which the site is located. The suitability of the site itself to meet that demand will also be assessed using factors such as whether it is in an accessible location; the topography of the site; whether the affordable housing can be integrated into the wider development; and the scale of development or proximity to other managed units. Further detailed guidance on the different delivery methods and how to determine the nature and level of contributions required can be found in Chapter 4 of [Supplementary Guidance 7 : Affordable Housing](#).

Once an in-principle view has been established on the preferred form of affordable housing contribution a valuation methodology for the level of contribution is agreed to ensure this issue is given early consideration as part of the developers site appraisal. The level of contribution is based on the value of the land. The Council and developer will jointly instruct an independent surveyor to carry out a valuation of the land. The instruction will state that the valuation is for the purposes of calculating affordable housing contributions and that the surveyor's report must

indicate a value for each plot, were it to be developed for mainstream housing for sale. It is this valuation per plot that will enable the level of financial contribution for affordable housing to be calculated.

For the purposes of calculating the plot values for affordable housing, it is assumed that the plot value for an affordable housing unit is exactly half that of the plot value for mainstream housing for sale. The total contribution towards affordable housing applicable for each site will be calculated by using the following formula.

Value per plot divided by 2 multiplied by 25% of the total number of units proposed on site

This formula will give the overall contribution towards affordable housing on site but can be expressed as a contribution per plot by dividing the overall contribution by the total number of units proposed on site.

Education

New housing developments will normally generate additional pupils attending the local schools and nurseries which can have an impact on the educational facilities serving the development. In some cases additional demand for places can be met within the school's existing capacity. However, where there is currently no capacity or where it is predicted there will be no capacity if other new housing developments identified in the Local Development Plan 2 are realised, then a contribution towards the provision of additional educational accommodation is required.

In assessing the need for additional educational accommodation (nursery, primary and secondary), an annual assessment is carried out by Education Resources for both denominational and non-denominational establishments. This considers the capacity at each of the secondary schools and the associated feeder primary schools. The housing land supply figures for each educational catchment area (referred to as learning communities in South Lanarkshire) are fed into the capacity assessment. This gives an indication of any shortfall in school places for each primary and secondary school within the Council area as a result of the new development and the level of contribution required per dwelling constructed in that learning community together with the level of any required contribution to nursery provision. A report is produced on an annual basis identifying where there are capacity issues and therefore where contributions will be sought by the Council.

There are currently 124 primary schools, 17 mainstream secondary schools and 7 additional support needs schools in South Lanarkshire. These are grouped into 17 Learning Communities within South Lanarkshire.

The following mechanism is used to calculate developer contributions on a fair, transparent and equitable basis.

The LDP2 identifies potential housing sites together with indicative housing numbers and it is these Housing Land Supply figures which allow Education Resources to predict the likely numbers of pupils generated within a particular Learning Community.

The likely number of pupils generated is based on a pupil generation formula which assumes that 35 pupils per year group will be generated by 1000 new dwellings. From the 35 pupils per year group, a split of 75% of these pupils will be considered non denominational and 25% denominational. This split does, however, vary within some areas of South Lanarkshire and therefore, where appropriate, Education Resources may apply an area specific split to the projected number of pupils generated where it differs from the Council wide average of 75%/25%.

The year groups accounted for are Nursery – 2.27 years, Primary - 7 years and Secondary - 5.75 years. The pupil generation formula takes account of established trends in both the splits between denominational and non-denominational education and the number of pupils staying on to complete a sixth year of secondary education. The likely numbers of pupils generated as a result of new housing are combined with the pupil roll projections to establish the total number of pupils. Pupil roll projections are based on the actual numbers of pupils gathered via the annual school census (each September), factored up to the appropriate year.

This allows the Council to identify both capacity issues arising from the existing population and those arising as a result of new developments. Developer contributions will only be sought to address capacity issues arising from new developments. The Council will address and manage any existing over capacity issues.

If a capacity issue is identified as a result of new development, the level of developer's contributions will be calculated on an assumed need for 3.5m² of gross internal floorspace per secondary pupil, 9m² per primary pupil and 4.5m² per nursery pupil. The cost to provide this amount of floorspace is calculated using up to date figures and costings from the Council's Schools Modernisation Programme Partnership. The current figure per square metre will be updated on a regular basis to take account of fluctuations in build costs and will be made available to developers on request.

The above calculations will be carried out on an annual basis and a statement for each learning community throughout the Council will be produced. The above methodology will allow the following:

- an equitable spread of costs amongst all developments;
- an early and fast response to developer requests for the likely levels of contributions; and
- greater capacity for aligning funding to provide the required educational space at the required time.

Roads and transportation

The development of sites for housing and other uses may generate levels of traffic which require improvements to the wider road network. This may include addressing impacts to the pedestrian, cycle and public transport network. When consulted on a planning application Roads and Transportation Services will assess the suitability of the proposed layout within the application site and the impact of the development on the wider road and footpath/cycling network and so identify the improvements needed to the network to accommodate the development. The costs of addressing this impact on the wider network will be met by the developer. Plans submitted with the application should be sufficient to allow the cost of the works to be calculated, including any phased implementation and impact on utility apparatus, in order to accurately assess the level of contribution required.

A similar exercise will also be required where a development may impact on the trunk road network. This will require developers to liaise with Transport Scotland regarding potential costs and the implementation of improvements.

Where a new development or a change of use of land or buildings is likely to generate a significant increase in the numbers and types of trip, a Transport Assessment (TA) should be carried out. This will identify if any road or transportation improvements require to be carried out such as new or improved access to the site and major road improvements outwith the site. This could also include a contribution to the provision of public transport services.

There may be other types of development that do not require a full transport assessment but which have an impact that requires road improvements to be carried out. In these cases, a Transport Statement (TS) may be required as a result of the developments location and/or the type of development proposed. It is recommended that the developer engages with the planning service as early as possible in the project's development to agree if any mitigation is required.

Any off-site road works identified by the TA/TS must be fully designed and costed by the developer, including services, and agreed by the Council's Roads and Transportation Services before planning consent is issued. These discussions will include the technical aspects of off-site works to ensure that the final scheme meets with the Council's standards, timescales and costings, including where appropriate, inflation to cover a delay in implementation of the works. Where a number of developments are proposed which cumulatively will impact upon a specific area of the local network, the cumulative effect should be addressed and any required improvements identified. Their implementation will be secured either by making a financial contribution to the Council through a Planning Obligation or through construction by the developer via a separate legal agreement. A similar exercise, covering all of the above and involving discussions with Transport Scotland will be required where improvements are needed to the trunk road network.

Active travel

Policy 15 – Travel and Transport in the SLLDP2 states that, where appropriate, a Transport Assessment or Transport Statement is to be submitted in support of a planning application. Applications requiring a Transport Assessment or Transport Statement should be accompanied by an active travel plan to show the proposal promotes opportunities for travel by sustainable travel modes. Direct reference should be made to the Council's Active Travel Study for the settlement (see below). The scope for the TA/TS and the outputs form will be agreed in advance and, where necessary, will identify the mitigation required to reduce travel by car and promote walking, cycling, wheeling and public transport.

The Council has completed a number of active travel studies for its main settlements [Active Travel Studies](#). These documents will inform decision making on planning applications and help identify measures to incorporate active travel schemes to serve new development. A number of additions and improvements to the existing cycling network are included in each. In addition, the South Lanarkshire Cycling Strategy identifies proposed strategic routes across the area.

20 Minute Neighbourhoods are a method of achieving compact and connected neighbourhoods to ensure people meet the majority of their daily needs within a reasonable walk, wheel or cycle of their home. New housing developments will be required to encourage people to live more locally and contribute to the creation of sustainable travel options and safe living environments.

As a result the Community Infrastructure Assessment will be required to consider how these aspirations can be met by developers. Layouts for new developments will be required to show how safe active travel connections to the neighbouring area can be achieved. In addition, applicants will need to demonstrate how their schemes will contribute to sustainable travel by either creating new or enhancing existing active travel networks (taking into account the Council's existing priorities) or providing associated facilities to facilitate active travel such as the implementation of 20mph speed limits and gateways to settlements or neighbourhood areas and the provision of cycle shelters or bicycle charging points. In most cases it is expected that a reasonable and proportionate financial contribution will be made to the Council towards the implementation of its existing priorities and projects.

Early discussions with Roads and Transportation Services to discuss the potential requirements and level of contribution is recommended.

Community facilities and Recreation

This section of the guidance considers the impact of new development on Council owned community facilities such as libraries and community halls and large scale sporting facilities such as pitches and swimming pools. It also looks at the requirements for new housing developments to include appropriate levels of open space and recreation within the site. The reference to the 20 Minute Neighbourhood concept above is equally relevant in this section of the guidance.

In order to ensure recreation and community facilities are available to serve a new development, the impact of new dwellings on the current provision on them must be considered. It has been the Council's approach to concentrate leisure and recreational opportunities in specific areas as opposed to having a large number of smaller facilities that would incur higher management costs and may have a more limited appeal to residents. The general approach when assessing the impact of a proposal on community facilities is to improve and expand existing facilities to meet the new demand before considering the creation of new facilities or assets, but with consideration being given to the need to ensure that facilities are accessible to the community.

Libraries

Local authorities in Scotland have a statutory duty to provide an adequate library service under the Local Government etc (Scotland) Act 1994. The Scottish Library and Information Council advise that an adequate service should provide a number of core functions including providing access to hardcopy and electronic resources which are free; enabling access to resources for reading, information and learning; encouraging community involvement and community based activity; helping to minimise social and digital exclusion; promoting access to Scotland's cultural heritage; and promoting cultural and creative activities.

Community Infrastructure Assessment will consider the impact of new housing development on library services. In particular, it will determine whether contributions are required to extend/alter existing libraries (including construction and fit out costs) and/or expand existing stock. The following methodology will be used for each element

New Library or Extension to Existing	
Step 1 - Assess Existing Provision and Identify Deficit	<ul style="list-style-type: none"> • Identify the library within the catchment area of the new development • Identify the population within that catchment. • Identify the floorspace of the library. • Identify if there is a deficit in library provision within the defined catchment (as a result of the new development) based on a requirement for 30sqm per 1,000 population.

Step 2 - Identify solution	<ul style="list-style-type: none"> Where a deficit is identified the mitigation will be identified by the Council for example, a library extension, shared facility or new library). It should address the existing deficit and further deficit caused by the proposed development. The developer will ONLY contribute toward addressing the further deficit created.
Step 3 - Calculate Contribution	<ul style="list-style-type: none"> Population created by new development = Number of units x 2.3 (average household population). The sqm of new library floorspace required as a result of the new development = Population created by new development / 37.311 (equivalent to 1sqm per 37.33 population). <p>Costing of new floorspace to be based on: Building costs linked to the RICS BCIS Tender Price Index and new build prices and fitting out costs based upon current fitting out costs of new provision in South Lanarkshire Council area.</p> <ul style="list-style-type: none"> Identified developer contribution divided by the population coming forward as a result of the development (cost per person). Contribution per unit = the cost per person x 2.3 (average household population).

The need for a contribution will be established by comparing the current capacity of the library and population it serves against the number of people likely to be generated by the new development. The capacity of the library is determined on a service requirement of 30m² of public library space per 1,000 catchment population, based on the current model of delivery and found in the Museums, Libraries and Archives (MLA) Council advice published in 2008. The catchment population of the library is identified by the home addresses of customers who borrow from that library using data from the Council's Library Management System. For any postcode where the majority of customers use a specific library, that library will include that postcode in its catchment area. Using this methodology will determine if the library is under capacity to serve the new population.

Where new development places demands on the library above its physical capacity, that is a new library or an extension to an existing facility is required, the following standard build cost charges will be applied based on the level at the time of the planning application and will be subject to negotiation with the developer:

- Building costs linked to the RICS BCIS Tender Price Index and new build prices.
- Fitting out costs including furniture and technology based upon current fitting out costs of new provision in South Lanarkshire Council area.

Stock	
Step 1 - Assess Existing Provision and Identify Deficit	<ul style="list-style-type: none"> • Identify the library and define the library's catchment. • Identify the population within that catchment. • Identify the stock level held by that library. • Identify if there is a deficit in stock level within the defined catchment based on a requirement of 1,532 items of stock per 1,000 population.

Step 2 – Calculate Contribution	<p>Where a deficit is identified then the level of stock required to address the shortfall must be calculated and a cost confirmed.</p> <ul style="list-style-type: none"> • Costing would be based on: <ul style="list-style-type: none"> o Number of dwellings x 2.3 per dwelling (average household population) = Number of people generated by the development. o Number of people generated by development x 1.532 (items per person) x £5.88 (cost per stock item).
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Where a library building is able to accommodate the extra demand created due to a new development, but stock levels are only adequate to meet the needs of the existing catchment population, a 'stock only' contribution will be sought. The National Library standard upper threshold cites a recommended stock level of 1,532 items per 1,000 population. An average price of £5.88 per stock item will be adopted based on Askews and Holts Library Services book prices in January 2019.

Community Halls

The Local Government and Planning (Scotland) Act 1982 requires local authorities to ensure there is an adequate provision of facilities for the population for sporting, recreational, cultural and social activities. The Council aims to improve participation in cultural and physical activities in order to promote health, inclusion and wellbeing. The use of these facilities will play a significant role in satisfying this aim.

A wide range of community facilities located across South Lanarkshire are used to support the delivery of these activities. In order to maintain and provide the statutory provision of an adequate community facility service, the impact of new dwellings on current provision must be considered. Community Infrastructure Assessment will consider the impact of new housing development on community halls using the following methodology.

Step 1 - Assess Existing Provision and Identify Deficit	<ul style="list-style-type: none"> • Identify the community hall(s) within the catchment area of the new development. • Identify the population within that catchment. • Identify the floorspace of the community facility(s). • Identify if there is a deficit in community facility provision within the defined catchment based on a requirement for 0.51 sqm per house.
Step 2 - Identify solution	<p>Where a deficit is identified then a solution must be defined by the Council (for example, a community facility extension, shared facility or new community facility). The Solution should address the existing deficit and further deficit caused by the proposed development. The developer will only contribute toward addressing the further deficit created.</p> <p>Costing would be based on: Building costs linked to the RICS BCIS Tender Price Index and new build prices and fitting out costs based upon current fitting out costs of new provision in South Lanarkshire Council area.</p>
Step 3 – Calculate Contribution	<p>Identified solution / the population coming forward within community facility catchment = cost per person.</p> <ul style="list-style-type: none"> • Cost per person x 2.3 (average household population) = contribution per house.

The need for a contribution will be established by comparing the current capacity of the community facility and population it serves against the number of people likely to be generated by the new development. The capacity is determined based on a service requirement of 0.51sqm of community facility space per household (this is an average figure based on data from UK local authorities). The catchment population of the community facility is defined based on 20 minute walking distance (1 mile).

Where new development places demand on community facilities above its physical capacity, that is a new facility or an extension to an existing facility is required, the following standard build cost charges will be applied based on the level at the time of the planning application and will be subject to negotiation with the developer.

- Building costs linked to the RICS BCIS Tender Price Index and new build prices.
- Fitting out costs based upon current fitting out costs of new provision in South Lanarkshire Council area.

Recreation/play provision

The table below provides a general indication of the minimum requirements for the provision of play/recreation which the Council will seek in new residential developments. This is based on the requirements in the Residential Design Guide.

Development type	Play/Recreation provision
Small sites (up to 10 houses)	No new recreational provision within site but financial contribution to improvement of existing provision within local area
Medium sites (11 – 50 houses)	<p>A financial contribution to improvement of existing facilities within the local area, or if no appropriate facility exists then</p> <ul style="list-style-type: none"> • One play area equivalent to 20sqm per dwelling • Level space provision (14m by 6m) to accommodate mobile play equipment • Or combination of the above

Large sites (51-100 houses)	<p>A financial contribution to improvement of existing facilities within the local area and</p> <ul style="list-style-type: none"> • One play area equivalent to 20sqm per dwelling • One modern games court (minimum size 22m by 20m) • A youth space facility • Or a combination of the above
Major sites (101 houses and over)	<p>A financial contribution to improvement of existing facilities within the local area and</p> <ul style="list-style-type: none"> • A minimum of one play area equivalent to 20sqm per dwelling • One modern games court (minimum size 20m by 32m) • A youth space facility <p>Or a combination of the above</p>
Rural sites	Each case will assessed on its merits but based on standards above
Flatted developments	No new recreational provision within site but financial contribution to improvement of existing provision within local area

In all but the cases of small housing proposals (up to 10 units where a financial contribution only is expected to be provided) new housing developments are required to make a contribution to the improvement of existing play/recreational facilities within the vicinity of the site or provide facilities (a play area/modern games court/youth facility) within the site – or a combination of all of those options. In general terms the creation of play area(s) on-site is the preferred option.

The value of the financial contribution towards the provision of, or the upgrading of, existing facilities in lieu of on-site provision will range from £1500 upwards per dwelling. The final figure and how the financial contribution will be spent, however, will depend on the location of the site and other relevant planning circumstances such as the open space needs of the area as well as the nature, type and size of development. It is, therefore, strongly recommended that the developer engages with the Planning Service as early as possible in the project's development to agree the most appropriate option for each development.

Developer's contributions may also be used to invest in facilities which if funded in this way would allow the delivery of additional projects to be brought forward and thus cater for the increased demand generated by a development.

5.0 Collection of developer contributions

Legal obligations

Following agreement on the nature, level and timing of contributions, their collection will be facilitated through a planning obligation by Minute of Agreement. The Council's Legal Services have prepared a model legal agreement a copy of which can be requested, through the planning officer dealing with the planning application for the development.

The model agreement will set out the basis for the payment of developer contributions, for example, by using a matrix, which has been agreed through discussions, and detailing how the project's contributions may be phased. An example of how this has been done for a housing site can be found in Appendix 2 of the SPG which indicates the level of contributions per house plot and how this has been programmed. Unless otherwise agreed, contributions will be collected annually in arrears.

One of the main threats to the efficient long term management of community facilities is financial uncertainty and the availability of funding to invest in them. In terms of developer's contributions, projects identified may include the upgrading of facilities as a result of increased use due to the proposed development. In order to ensure that the works required to cater for the increased use generated by the development are completed by the time they are needed, funding may have to be provided at an early stage. This would have to be agreed with the developer to ensure that the timing of the financial contribution could be accommodated.

6.0 Monitoring and review

The need to formally review this SPG will be considered after two years following its approval and biennially thereafter. Any changes in circumstances, policy or legislation prior to this will be taken into consideration and appropriate alterations made to the content of this SG.

Development Type		