

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>21 June 2022</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/22/0135
Planning proposal:	Demolition of dwellinghouse and outbuildings and erection of 49 no. residential dwellinghouses, formation of access road, pumping station, landscaping, open space and associated infrastructure

## 1. Summary application information

Application type:	Detailed planning application
Applicant:	Briar Homes
Location:	Land off Barbana Road East Kilbride G74 5DX

## 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.

## 3. Other information

- ◆ Applicant's Agent: Scott Graham
- ◆ Council Area/Ward: 09 East Kilbride West
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (Adopted 2021)**
  - Policy 2 - Climate Change
  - Policy 4 - Green Belt and Rural Area
  - Policy 5 - Development Management and Placemaking
  - Policy 14 - Natural and Historic Environment
  - Policy DM1 - New Development Design
  - Policy GBRA1 – Rural Design and Development
  - Policy GBRA5 - Redevelopment of Previously Developed Land Containing Buildings
  - Policy NHE13 - Forestry and Woodland

◆ **Representation(s):**

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

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

West of Scotland Archaeology Service (WoSAS)

Scottish Water

SP Energy Network

Transport Scotland

Community Resources

Education Resources School Modernisation Team

Housing and Technical Resources

Arboricultural Services

Countryside and Greenspace

SEPA Flooding

Roads Flood Risk Management

Jackton and Thorntonhall Community Council

## **Planning Application Report**

### **1. Application Site**

- 1.1. The application site relates to an area of land to the west of Barbana Road and east of Braehead Road in East Kilbride. The site is located within an area designated as Green Belt in the adopted South Lanarkshire Local Development Plan 2 (2021). The site, which extends to approximately 2.42 hectares is bound to the south and west by agricultural land and to the Barbana Road and the A726 / Redwood Drive dual carriageway. To the north of the site is an area of new housing development Thornton View. The site takes in Craigpark House, associated domestic outbuildings and the grounds and agricultural grazing land. The eastern boundary of the site with Barbana Road contains a mature tree belt, there are a number of groups of trees in the north-western area of the site towards Braehead Road, a further belt of mature trees along the southern boundary, extending the length of the site, and a number of other mature trees and groups of trees across the site. There is a large pond in the western area of the site. The site has a deep gully running north-west to south east which is approximately 6m to 8m deep, otherwise the site generally undulates down from a plateau in the south east towards the existing house and buildings in the north west. Access to the site is from Braehead Road in the north-west of the site via two vehicle accesses to the existing house. There is also a field gate from Barbana Road in the east.

### **2. Proposal(s)**

- 2.1. The applicant seeks detailed planning permission for the demolition of a dwellinghouse and outbuildings and erection of 49 no. residential dwellinghouses, formation of access road, pumping station, landscaping, open space and associated infrastructure. The proposal consists of the erection of 49 no. detached two storey dwellinghouses, which range from 3 to 5 bedrooms. A landscaping and tree planting buffer is proposed along the south western boundary of the site and a number of individual trees are proposed adjacent to the access from Barbana Road. A number of trees are also proposed on the boundary with Braehead Road in addition to the retention of a small number of existing trees. An area of openspace is proposed in the western area of the site formed above a proposed underground SUDs cellular storage feature. A pumping station to service the development is proposed adjacent to Braehead Road. The proposed works include the formation of the main access road from Barbana Road leading to a single road running southeast to northwest with dwellinghouses either side. An additional maintenance vehicle access is proposed from Braehead Road to the proposed pumping station in the northwest of the site.
- 2.2. The applicant has submitted the following documents and information in support of the proposal:-
- Access Statement
  - Air Quality Impact Assessment
  - Archaeological Desk Based Assessment
  - Design and Access Statement
  - Drainage Strategy Report
  - Ecological Assessment
  - Flood Risk Assessment
  - Ground Investigation Report
  - Landscape and Visual Impact Appraisal
  - Planning Statement
  - Pre-Application Consultation Report
  - Report On Road Traffic Sound

- Tree Survey Report
- Screening Opinion P-21-2038

### **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). The site is located within the Green Belt and outside the settlement boundary. The following policies are applicable:-

- Policy 2 - Climate Change
- Policy 4 - Green Belt and Rural Area
- Policy 5 - Development Management and Placemaking
- Policy 14 - Natural and Historic Environment
- Policy DM1 - New Development Design
- Policy GBRA1 - Rural Design and Development
- Policy GBRA5 - Redevelopment of Previously Developed Land Containing Buildings
- Policy NHE13 - Forestry and Woodland

#### **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. Following the submission of a Proposal of Application Notice in 2021 (Reference P/21/0012/PAN) the applicants held an online pre-application public exhibition from the 13 September 2021 to 4 October 2021 and a live web chat on the 16 October 2021. The Report of this pre-application consultation has been submitted as above. In November 2021, following a request by the applicants, the Council provided a formal Screening Opinion (Reference P/21/2038) under The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

### **4. Consultation(s)**

4.1. **Roads and Transportation Services** – requested amended plans and information in respect of a number of layout issues including internal road and footway widths, swept path analysis of the service track, site entrance and internal road, provision of a 2m wide footway along the site frontage connection to Pineta Drive, provision of a 3.7m wide pedestrian connection on to Braehead Road which can be used as an emergency access and dimensioned parking spaces.

It was also confirmed that the applicant will be required to contribute to the cost of implementing the proposed cycleway scheme which connects Stewartfield Way to Hairmyres Train Station and ensure that a 4m verge is provided to the rear of the footway along the site frontage to allow its future creation.

**Response:** Noted. These issues have been raised with the applicants and amended plans and information had not been submitted at the time of writing. Should the Planning Committee be minded to grant planning consent, relevant planning

conditions can be attached and a legal agreement can be concluded in respect of any financial contributions.

- 4.2. **Environmental Services** – no objections to the proposal subject to the attachment of conditions and advisory notes in relation to air quality, road noise mitigation, site investigation and contaminated land, radon gas risk assessment, refuse storage facilities and dust mitigation and control.

**Response:** Noted. Should the Planning Committee be minded to grant planning consent, relevant planning conditions can be attached.

- 4.3. **West of Scotland Archaeology Service (WOSAS)** - no objections to the proposal subject to the attachment of a condition requiring the submission and approval prior to commencement of development of a written scheme of investigation and the implementation of a programme of archaeological works.

**Response:** Noted. Should the Planning Committee be minded to grant planning consent, relevant planning conditions can be attached.

- 4.4. **Scottish Water** – no objections to the proposed development, however, the applicant will be required to obtain technical approval in respect of water capacity and wastewater capacity prior to commencement of works.

**Response:** Noted. Should the Planning Committee be minded to grant planning consent, relevant planning conditions can be attached.

- 4.5. **Transport Scotland** – no objections to the proposed development.

**Response:** Noted.

- 4.6. **SEPA Flooding** – raised no objections, however, referred to standing advice on flood risk assessment.

**Response:** Noted. The Councils Roads Flooding team have been consulted and the applicants have provided a Flood Risk Assessment and a Drainage Strategy Report.

- 4.7. **Roads Flood Risk Management** – no objections to the proposed development subject to conditions in respect of Sustainable Urban Drainage and further clarification in relation to Flood Risk Assessment and surface water discharge arrangements.

**Response:** Noted. Should the Planning Committee be minded to grant planning consent, relevant planning conditions can be attached.

- 4.8. **Arboricultural Services** – requested further information and plans including a tree retention/removal plan, Arboricultural Impact Assessment, existing and proposed finished ground levels and details of all special engineering within the Root Protection Area.

**Response:** Noted. These issues have been raised with the applicants and they had submitted a Tree Survey Report and Landscape Planting and Maintenance Scheme. Should the Planning Committee be minded to grant planning consent, relevant planning conditions can be attached.

- 4.9. **Education Resources School Modernisation Team** – a financial contribution towards educational accommodation provision at primary, secondary and nursery facilities will be required.

**Response:** Noted. Should the Planning Committee be minded to grant planning consent, a legal agreement can be concluded in respect of any financial contributions.

- 4.10. **Community and Enterprise Resources** – a financial contribution towards community facilities will be required.

**Response:** Noted. Should the Planning Committee be minded to grant planning consent, a legal agreement can be concluded in respect of any financial contributions.

- 4.11. **Housing and Technical Resources** – there will be a requirement for the provision of on-site affordable housing determined in accordance with the Affordable Housing and Housing Choice Policy Supplementary Guidance. In the event that circumstances have changed when the affordable housing area comes forward for development, the Council would seek a commuted sum in lieu of on-site provision of serviced land.

**Response:** Noted. Should the Planning Committee be minded to grant planning consent, a legal agreement can be concluded in respect of any financial contributions and amended plans will be required to accommodate affordable housing units.

- 4.12. **Countryside and Greenspace** – objects to the proposed development due to the loss and fragmentation of the existing wildlife corridor provide by the woodland and hedgerows on the site which provide for migration of wildlife.

**Response:** Noted.

- 4.13. **Jackson and Thorntonhall Community Council** – objects to the proposed development on the following grounds:-

- ◆ the site is located in the Green Belt and contrary to Policies 1,2,3,4 and 5 of the adopted South Lanarkshire Local Development Plan 2
- ◆ the site is not identified as a housing site in the South Lanarkshire Local Development Plan 2
- ◆ there is no requirement for additional housing land in the East Kilbride sub-Housing Market Area nor South Lanarkshire
- ◆ the proposed housing density is higher than and inconsistent with other developments in the local area
- ◆ no planning justification has been provided in a Planning Statement
- ◆ there is no provision for affordable housing on the site
- ◆ the site is not considered to be a sustainable urban location for housing development and would be highly car dependent

Should the Planning Committee be minded to grant consent, a number of conditions are requested to be attached.

**Response:** Noted. It is noted that the site is outwith 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. The current Green Belt boundary is considered to be a strong defensible boundary. There is no requirement for additional housing land in this location.

- 4.14. **SP Energy Network** – No response to date.

## **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 and in respect of non-notification of neighbours. Following this, 2 letters of objection and 1 letter of comment were received, the points of which are summarised below:-

- a) **The application site is located in the Green Belt outwith the designated settlement boundary of East Kilbride, identified in the adopted South Lanarkshire Local Development Plan 2. The adjacent Barratt development provides a strong defensible Green Belt boundary to protect against coalescence and was set out in the current development plan. The proposed development maximises the extent of development and land value and the number of houses should be significantly reduced, and the landscape buffer increased to provide a defensible boundary or the application refused.**

**Response:** It is noted that the site is outwith 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.

- b) **The loss of the existing Craigpark House would have an adverse impact on the character of Braehead hamlet and remove buildings rich in history and significant to the industrial history of the area, a house built by Robert Reid a local lime merchant, the production of lime at local lime quarries and lime kilns being an important part of the history of Braehead and Thorntonhall. The grounds of the house were quarried and contained a substantial kiln. The house could be converted and the kiln retained. Request that the grounds are surveyed, prior to any works commencing, by Susan Hunter Certified Field Archaeologist and team to add to the archaeological survey being undertaken by the Community Council.**

**Response:** 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. WoSAS have commented that they have no objections to the proposal subject to the attachment of a condition requiring the submission and approval prior to commencement of development of a written scheme of investigation and the implementation of a programme of archaeological works. Should the Council be minded to grant planning consent relevant planning conditions can be attached.

- c) **The site layout should include a path to the west to link the development with the neighbouring country lane.**

**Response:** 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. The developer has confirmed the intention to provide a pedestrian access onto Braehead Road.

- d) **The historic stone wall which runs along the country lane should also be retained and preserved.**

**Response:** 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. The developer has confirmed the intention to retain the stonewall along Braehead Road.

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 demolition of a dwellinghouse and outbuildings and erection of 49 no. residential dwellinghouses, formation of access road, pumping station, landscaping, open space and associated infrastructure on an area of land to the west of Barbana Road and east of Braehead Road in East Kilbride.

The determining issues in the assessment of this application are compliance with local plan policy, its impact on the character of the Green Belt, amenity of adjacent properties and road safety matters.

- 6.2. In terms of the adopted South Lanarkshire Local Development Plan 2, Policy 2 Climate Change aims to ensure that new developments minimise and mitigate against climate change and the generation of greenhouse gases. A number of sustainable measures have been incorporated into the house design, such as solar roof panels, and the site will benefit from a sustainable urban drainage system. However, the development will result in the loss of a number of mature trees and part of the development is proposed on previously undeveloped land in the Green Belt. It is therefore considered that the proposal is not consistent with Policy 2 of the adopted local development plan.
- 6.3. Policy 4 - Green Belt and Rural Area aims to protect the countryside from development which does not require to locate there and will be expected to be accommodated within settlement boundaries. Development should protect and enhance the character, landscape setting and identity of the settlement. The proposed development of residential properties is not associated with a rural business and does not have a specific locational requirement. The proposed number dwellinghouses and scale of development does not respect the local landscape character and setting and does not integrate positively with the surrounding landscape. It is therefore considered that the proposal is contrary to Policy 4 of the adopted local development plan.
- 6.4. Policy GBRA1 Rural Design and Development sets out a number of criteria which developments in the Green Belt require to comply with. The proposed development is considered to introduce suburban-style development which does not result in significant and demonstrable visual and environmental benefits to the area. It is also considered that the proposed number dwellinghouses and scale of development does not respect the local landscape character and setting, is not in keeping with the landscape character and does not integrate positively with the surrounding landscape. The proposed development will result in the loss of a number of mature trees which contribute to the landscape character of this area of Green Belt. It is therefore considered that the proposal is contrary to Policy GBRA1 of the adopted local development plan.
- 6.5. Policy GBRA5 Redevelopment of Previously Developed Land Containing Buildings, sets out a number of criteria which require to be met in respect of proposals for the redevelopment of sites. The proposed development does not occupy the same position on the site as the existing building and the physical footprint of the proposed dwellinghouses exceeds the footprint of the existing buildings by a considerable amount. This extends the impact of the built development significantly from that of the former property and outbuildings which are located to the rear of the site to an urban residential development across the majority of the site. As set out above, the proposed number dwellinghouses and scale of development does not respect the local landscape character and setting, is not in keeping with the landscape character and does not integrate positively with the surrounding landscape and a number of mature trees would be lost. It is therefore considered that the proposal is contrary to Policy GBRA5 of the adopted local development plan.
- 6.6. Policy 5 - Development Management and Policy DM1 New Development Design state that all planning applications should take fully into account the local context and built form. Furthermore, any proposal should not result in significant adverse environmental or amenity impacts and sets out a number of requirements including footways, cycle routes, access and parking. The proposed development does not respect the local landscape setting, as set out above. Roads and Transportation Services have



requested further information and amendments to the proposed layout. This information has been requested, however, the proposed development is considered to be unacceptable and the requested amendments and information would not change this opinion. It is therefore considered that the proposal is contrary to Policy 5 and Policy DM1 of the adopted local development plan.

- 6.7. Policy 14 Natural and Historic Environment and Policy NHE13 Forestry and Woodland aim to protect and enhance woodland and trees. The eastern boundary of the site with Barbana Road contains a mature tree belt, there are a number of groups of trees in the north-western area of the site towards Braehead Road, a further belt of mature trees along the southern boundary, extending the length of the site, and a number of other mature trees and groups of trees across the site. The development will result in the significant loss of trees including the important tree belt along the southern boundary of the site which is an important element of the existing Green Belt character in this location. The applicant proposed to replace this tree belt with new tree planting, however, this would take a significant period of time to provide a comparable tree belt and restore the character of the Green Belt provided by the existing trees. The development would not accord with the Scottish Government's Control of Woodland Removal policy as it does not provide significant and clearly defined public benefits. The applicant has not provided an Arboricultural Impact Assessment (AIA), a Tree Retention/Removal Plan or a Tree protection Plan (TPP). It is therefore considered that the proposal is contrary to Policy 14 and Policy NHE13 of the adopted local development plan.
- 6.8. In conclusion, careful consideration of this proposal has been undertaken and it is considered that there is no specific locational need to be located in the Green Belt and to introduce suburban-style development which does not result in significant and demonstrable visual and environmental benefits to the area. The proposed number dwellinghouses and scale of development does not respect the local landscape character and setting and does not integrate positively with the surrounding landscape. The proposed development does not occupy the same position on the site as the existing buildings and the area of the physical footprint of the proposed dwellinghouses considerably exceeds the footprint of the existing buildings and will result in the loss of a number of trees without providing significant and clearly defined public benefits. In this regard, the proposal is not deemed to be in accordance with Policies 2, 4, 5, 14, DM1, GBRA1, GBRA5 and NHE13 of the adopted South Lanarkshire Local Development Plan 2 (2021). As such, it is recommended that the application is refused.

## **7. Reason for Decision**

- 7.1. The proposed development is considered to have no specific locational need to be located in the Green Belt and to introduce suburban-style development which does not result in significant and demonstrable visual and environmental benefits to the area. The proposed number dwellinghouses and scale of development does not respect the local landscape character and setting and does not integrate positively with the surrounding landscape. The proposed development does not occupy the same position on the site as the existing buildings and the area of the physical footprint of the proposed dwellinghouses considerably exceeds the footprint of the existing buildings and will result in the loss of a number of trees without providing significant and clearly defined public benefits. The proposal is therefore contrary to Policies 2, 4, 5, 14, DM1, GBRA1, GBRA5 and NHE13 of the adopted South Lanarkshire Local Development Plan 2 (2021).

**David Booth**  
**Executive Director (Community and Enterprise Resources)**

Date: 9 June 2022

**Previous references**

- ◆ Proposal of Application Notice P/21/0012/PAN
- ◆ EIA Screening Opinion P/21/2038

**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	27.04.2022
Environmental Services	18.02.2022
West of Scotland Archaeology Service	21.02.2022
Scottish Water	14.02.2022
Transport Scotland	17.02.2022
Community and Enterprise Resources	15.02.2022
Education Resources School Modernisation Team	15.02.2022
Housing and Technical Resources	23.05.2022
Arboricultural Services	15.02.2022
Countryside and Greenspace	25.05.2022
SEPA Flooding	21.02.2022
Roads Flood Risk Management	25.05.2022
Jackton and Thorntonhall Community Council	24.03.2022

▶ Representations	Dated:
Mrs Janice Edwards, 2 Bishops Gate, Wellknowe Ave, Thorntonhall, G74 5AR	25.02.2022
Mr David Milloy, 1 Thorn Avenue, Thorntonhall, GLASGOW, G74 5AT	24.02.2022
Ms Lynn Reid, 82 Glen Tennet, E Kilbride, G74 3UY	17.03.2022

**Contact for further information**

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

Morag Neill, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455053

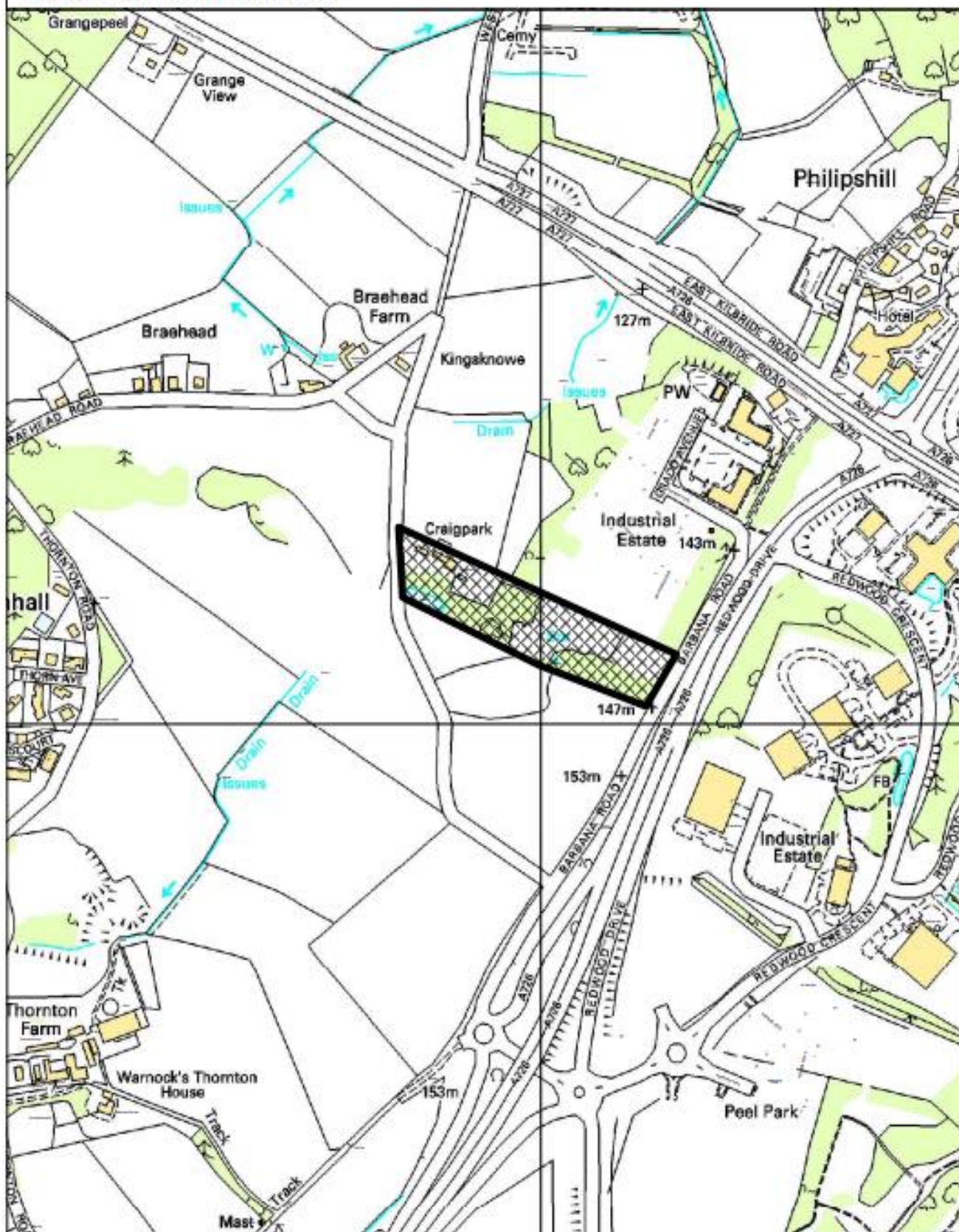
Email: [morag.neill@southlanarkshire.gov.uk](mailto:morag.neill@southlanarkshire.gov.uk)

### **Reasons for refusal**

01. The proposal is contrary to Policies 4, GBRA1 and GBRA5 of the South Lanarkshire Local Development Plan 2 in that the proposed development is considered to have no specific locational need to be located in the Green Belt and to introduce suburban-style development which does not result in significant and demonstrable visual and environmental benefits to the area.
02. The proposal is contrary to Policies 5, DM1, GBRA1 and GBRA5 of the South Lanarkshire Local Development Plan 2 in that the proposed number dwellinghouses and scale of development does not respect the local landscape character and setting and does not integrate positively with the surrounding landscape.
03. The proposal is contrary to Policy GBRA5 of the South Lanarkshire Local Development Plan 2 in that the proposed development does not occupy the same position on the site as the existing buildings and the area of the physical footprint of the proposed dwellinghouses considerably exceeds the footprint of the existing buildings.
04. The proposal is contrary to Policies 2, 14, GBRA1 and NHE13 of the South Lanarkshire Local Development Plan 2 in that the proposed development will result in the loss of a number of trees without providing significant and clearly defined public benefits.

P/22/0135

Land Off Barbana Road, East Kilbride



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Scale:  
1:6,000

Date:  
27/05/2022



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Economic Development