



Council Offices, Almada Street
Hamilton, ML3 0AA

Monday, 13 June 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, 21 June 2022
Time: 10:00
Venue: By Microsoft Teams and Banqueting Hall,

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

Yours sincerely

Cleland Sneddon
Chief Executive

Members

Richard Nelson (Chair), Gerry Convery (Depute Chair), Joe Fagan (ex officio), Alex Allison, Ralph Barker, Archie Buchanan, Ross Clark, Margaret Cowie, Maureen Devlin, Mary Donnelly, Gladys Ferguson-Miller, Elise Frame, Alistair Fulton, Celine Handibode, Mark Horsham, Ross Lambie, Monique McAdams, Lesley McDonald, Davie McLachlan, Norman Rae, John Ross, Dr Ali Salamati, Graham Scott, David Shearer, Helen Toner, David Watson

Substitutes

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

BUSINESS

1 Declaration of Interests

Item(s) for Decision		
2	Application P/21/2044 for Residential Development (Houses and Flats) Together with Access, Landscaping, Open Space and Associated Works (Planning Permission in Principle) at Land 90 Metres Northeast of 38 Laighlands Road, Laighlands Road, Bothwell Report dated 10 June 2022 by the Executive Director (Community and Enterprise Resources). (Copy attached)	5 - 30
3	Application P/22/0135 for Demolition of House and Outbuildings and Erection of 49 Residential Houses, Formation of Access Road, Pumping Station, Landscaping, Open Space and Associated Infrastructure at Land off Barbana Road, East Kilbride Report dated 9 June 2022 by the Executive Director (Community and Enterprise Resources). (Copy attached)	31 - 44
4	Application P/19/0776 for Formation of 36 House Plots at Land 130 Metres North of Greenacres, Access for Kersewell College from A70 to Kersewell Avenue, Carnwath Report dated 10 June 2022 by the Executive Director (Community and Enterprise Resources). (Copy attached)	45 - 74
5	Application P/22/0148 for Erection of 15 Houses with Associated Access, Parking and Landscaping at Site of Former Laburnum House, Laburnum Avenue, East Kilbride Report dated 9 June 2022 by the Executive Director (Community and Enterprise Resources). (Copy attached)	75 - 86
6	Application P/22/0089 for Erection of 2 Storey Side Extension to Existing Attached Garage to Form Enlarged Garage with Habitable Rooms Above at 57 Royal Gardens, Bothwell Report dated 1 June 2022 by the Executive Director (Community and Enterprise Resources). (Copy attached)	87 - 100
7	Application P/22/0108 for Erection of First Floor Extension to Detached Garage at 7 Manse Avenue, Bothwell Report dated 10 June 2022 by the Executive Director (Community and Enterprise Resources). (Copy attached)	101 - 110
8	Application P/22/0246 for Demolition of Rear Conservatory, Garage and Chimney and Erection of Side and Rear Extensions with Associated Raised Decking at the Rear at 19 Fergus Gardens, Hamilton Report dated 26 May 2022 by the Executive Director (Community and Enterprise Resources). (Copy attached)	111 - 120
9	The South Lanarkshire Development Plan Scheme 2022 Report dated 30 May 2022 by the Executive Director (Community and Enterprise Resources). (Copy attached)	121 - 138

- 10 South Lanarkshire Local Development Plan 2 Supporting Planning 139 - 162**
Guidance - Local Nature Reserves
Report dated 30 May 2022 by the Executive Director (Community and Enterprise Resources). (Copy attached)

Urgent Business

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

For further information, please contact:-

Clerk Name:	Stuart McLeod
Clerk Telephone:	07385370117
Clerk Email:	stuart.mcleod@southlanarkshire.gov.uk

Report

2

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

Application no.	P/21/2044
Planning proposal:	Residential development (dwellinghouses and flats) together with access, landscaping, open space and associated works (Planning Permission in Principle)

1 Summary application information

Application type:	Permission in principle
Applicant:	Bothwell Land and Development Ltd
Location:	Land 90M Northeast of 38 Laighlands Road Laighlands Road Bothwell Glasgow South Lanarkshire

2 Recommendation(s)

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

(1) Refuse planning permission in principle (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: Ferguson Planning
- ◆ Council Area/Ward: 16 Bothwell and Uddingston
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (adopted 2021)**
Policy 1 - Spatial Strategy
Policy 2 – Climate Change
Policy 4 - Green Belt and Rural Area
Policy 5 - Development Management and Place Making Policy
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

**Glasgow and Clyde Valley Strategic
Development Plan (2017)**

Policy 8 - Housing Land Supply
Policy14 - Green Belt

◆ **Representation(s):**

▶	33	Objection Letters
▶	30	Support Letters
▶	2	Comment Letters

◆ **Consultation(s):**

Arboricultural Services

Community and Enterprise Resources Biodiversity Officer

Bothwell Community Council

Transport Scotland

SEPA Flooding

Community and Enterprise Resources Play Provision Community
Contributions

Housing Services

Education Resources School Modernisation Team

Scotland Gas Networks (SGN)

Roads Development Management Team

Environmental Services

Roads Flood Risk Management

Scottish Water

SP Energy Network

Estates Services - Housing and Technical Resources

Countryside and Greenspace

West of Scotland Archaeology Service (WOSAS)

Health and Safety Executive (HSE)

Planning Application Report

1 Application Site

- 1.1 The site is located directly to the east of Laignlands Road and Bothwellpark Road in Bothwell. The site extends to approximately 4.62 hectares and comprises improved grassland, marshy grassland, swamp and broadleaved woodland. A watercourse is present along the eastern area of the site as well as to the south-east of the site boundary. Two additional waterbodies are present within the site and another two are located beyond the watercourse to the south-east. The submitted information advises that the site is low grade grazing land with the current use of the site extending to little more than low-level equestrian leisure. The site is bounded to the north by structure planting, Bothwellpark Road and adjacent residential properties, to the south by areas of grassland and three ponds, to the east by grassland, structure planting and the M74 motorway and to the west by Laignlands Road/Bothwellpark Road and adjacent residential properties. Access to the site is via Laignlands Road.

2 Proposal(s)

- 2.1 The applicant seeks planning permission in principle for residential development (dwellinghouses and flats) together with access, landscaping, open space and associated works. As the proposal is for planning permission in principle no detailed drawings have been submitted with the application and detailed matters of scale, appearance, layout, landscaping, and access would be determined at the detailed planning application stage should planning permission in principle be granted. However, an indicative Masterplan - Proposed Site Layout has been submitted which shows a development of 44 new dwellings spread across a range of types and tenures within the site. It is proposed that 32 dwellings would be provided in market tenure (23 detached dwellings and 9 flats) and 12 dwellings in affordable tenures (1 detached dwelling, 2 semi-detached dwellings and 9 flats). A community nature reserve is proposed as an extension to an existing pond set in banks of reeds within the eastern area of the site. The Masterplan indicates the formation of two primary access points from Laignlands Road adjacent to the west of the site.
- 2.2 The proposed development is classified as a 'Major' development under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and was subject to a 12 week period of pre-application consultation (PAC) including an interactive website which was set up to host the public consultation event held through a live question and answer session on 31 August 2021. A copy of the Pre-application Consultation Report has been submitted as a supporting document. The outcome of the public consultation and the response of the applicants to comments received are detailed within the PAC Report. Additional supporting documents submitted with the planning application include a Planning Statement, Transportation Statement, Noise Impact Assessment, Air Quality Screening Assessment, Geo-Environmental Assessment, Design and Access Statement and Landscape Analysis Report.
- 2.3 Under The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, certain development projects require the planning authority to consider whether a proposed project is likely to have a significant effect on the environment, therefore, a screening opinion was undertaken by the Council prior to the submission of the planning application. Taking into account the characteristics of the development, its location and potential impact, the Council considered that the proposal does not require an Environmental Impact Assessment (EIA) and that environmental issues could be adequately addressed within the planning application process.

3 Background

3.1 Development Plan Status

3.1.1 The proposed development requires to be considered against the approved Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP). The GCVSDP is committed to supporting new housing which creates high quality places and delivers the right type of housing in the right locations. Policy 8 - Housing Land Requirement of the GCVSDP requires local authorities to make provisions within their local development plans (LDPs) for all-tenure housing land requirement as set out within Schedule 8; to allocate a range of effective residential sites; to provide a minimum of 5 years effective land supply at all times; to undertake an annual housing land audit to monitor completions; and to take steps to remedy any shortfalls that may exist. Policy 14 - Green Belt states that local authorities are required to designate Green Belt in order to ensure that development is directed to the most appropriate locations and supports regeneration.

3.1.2 In terms of local plan policy, the site is located within Green Belt in the adopted South Lanarkshire Local Development Plan 2. The application site and associated proposal is affected by Policy 1 - Spatial Strategy, Policy 2 – Climate Change, Policy 4 - Green Belt and Rural Area, Policy 5 - Development Management and Place Making Policy, 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 and Policy DM15 - Water Supply. The content of the above policies and guidance 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 government guidance, Section 25 of the Town and Country Planning (Scotland) Act 1997 states that the determination of a planning application shall be in accordance with the development plan unless material considerations indicate otherwise.

3.2.2 Scottish Planning Policy (SPP) advises that a generous supply of land should be provided to meet identified housing needs. SPP also introduces a presumption in favour of development that contributes to sustainable development. However, it advises that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained and the presumption in favour of development that contributes to sustainable development will be a material consideration.

3.3 Planning Background

3.3.1 As discussed, the proposal is classed as a major development under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and in this regard a Proposal of Application Notice (PAN) was submitted to the Council on 2 July 2021 for the erection of residential dwellings and flats together with access, landscaping, open space and associated works on the site in accordance with the above Regulations (P/21/0009/PAN). Following on from that submission, an interactive website was set up to host the public consultation event held through a live question and answer session on 31 August 2021.

4 Consultation(s)

- 4.1 **Roads Development Management Team** – whilst further information is required from the applicant to inform aspects of the design, this service is satisfied that these requirements can be addressed as part of any future matters specified in conditions (MSC) application. On this basis we have no objection to the application. In relation to the construction phase of the development there is significant on-street parking at the western end of Croftbank Avenue which may present challenges for construction vehicles entering/exiting the site and there may be scope to minimise conflict by creating a temporary construction access between Laighlands Road and Bellshill Road, as noted by MODUS Transport Planning Ltd, as an approach taken by Transport Scotland's compound on Laighlands Road which was used as part of the Raith Interchange works. This option should be explored by the applicant through Transport Scotland and be addressed through a traffic management plan (TMP). Any consent granted should incorporate appropriately worded conditions to ensure that the site layout is designed in accordance with the Society for Chief Officers of Transport in Scotland (SCOTS) National Roads Development Guide and South Lanarkshire Council's Supplementary Guidance and conditions relating to invasive weed survey, visibility splays, car parking, details of electric vehicle charging (EVC) facilities, details of the remote footpath link between the site and Olifard Avenue crossing The Glebe and Bothwellpark Road, details of the walking and cycling connection between the site and the existing walking cycling infrastructure on Bellshill Road (including route improvements and signage), proposals for the introduction of a new section of footway outside 15 Langlands Road, drainage, residential travel plan, traffic management plan (TMP) and ground investigation and global slope stability analysis.

Response: Noted.

- 4.2 **Roads and Transportation Services (Flood Risk Management Section)** – have no objections to the application subject to the applicant complying with the principles set out within the Council's Developer Design Guidance - Flood Risk Assessment and Sustainable Drainage Systems, dated May 2020. The submitted Flood Risk Assessment shows the proposed development to be located outwith the functional floodplain, and that the land is to be raised to provide the required freeboard above the predicted flood extents considering the most up to date climate change predictions.

Response: - Noted.

- 4.3 **Environmental Services** – have no objections to the application subject to a condition requiring the implementation of the scheme for the mitigation of noise shown in the submitted Noise Impact Assessment prior to the development being brought into use. Informatives should also be attached to any consent advising the applicant of acceptable noise levels for audible construction activity at the site and appropriate guidance relating to demolition and pest control and potential contamination.

Response: - Noted.

- 4.4 **SEPA Flooding** - have no objections to the application on the grounds of flood risk.

Response: - Noted.

- 4.5 **Countryside and Greenspace** – no response to date.

Response: Noted.

- 4.6 **Scottish Water** – have no objections to the application and have advised that there is currently sufficient capacity in the Camps Water Treatment Works and sufficient capacity for a foul only connection in the Bothwellbank Waste Water Treatment works to service the proposed development.

Response: Noted.

- 4.7 **Education Resources School Modernisation Team** – have no objections to the application subject to appropriate education contributions being made to the Council to provide for the additional children generated from the development.
Response: Noted.
- 4.8 **Arboricultural Services** – consider the proposal to be unacceptable and should be refused. Under the UK planning system, South Lanarkshire Council has a statutory duty to ensure, whenever it is appropriate, that in granting permission for any development adequate provision is made for the preservation or planting of trees. The potential effect of development on trees, whether statutorily protected (e.g. by tree preservation order or by their inclusion within a conservation area) or not, is a material consideration that has to be taken into account when dealing with planning applications. BS 5837 - 'Trees in relation to design, demolition and construction - Recommendations' tree surveys are compulsory for all planning applications that may affect trees. So far, we have not been provided any information in accordance with BS5837 to enable the Council to consider the trees on or adjacent to the proposed development. Without providing the compulsory information the Council is unable to fulfil its statutory duty to consider and ensure the protection and planting of trees for the proposed development, therefore objecting to the application on these grounds. The juxtaposition of the trees and proposed development is unacceptable, and the trees will be under future threat from removal by the new house owners due to light obstruction and minor season nuisance etc; the proposal will have an adverse impact on a valued wooded strip, and individual trees of high biodiversity and amenity value; and the proposal would be detrimental to landscape setting and is within the Green Belt.
Response: Noted.
- 4.9 **Biodiversity Officer** – no response to date.
Response: Noted.
- 4.10 **Transport Scotland** – have no objections to the application subject to conditions requiring the maintenance and protection of the existing fencing along the M74 trunk road boundary, that no advertising signs are erected adjacent to, or within, the M74 trunk road boundary and that there are no drainage connections to the trunk road drainage system.
Response: Noted.
- 4.11 **Housing Services** – Housing and Technical Resources preference for this site is that the 25% affordable housing contribution is provided “on site” determined in accordance with the Affordable Housing Policy and associated Supplementary Guidance.
Response: Noted.
- 4.12 **Community and Enterprise Resources - Play Provision Contributions** – no response to date.
Response: Noted.
- 4.13 **Health and Safety Executive (HSE)** – HSE does not advise, on safety grounds, against the granting of planning permission in this case.
Response: Noted.
- 4.14 **Scotland Gas Networks (SGN)** – have no objections to the proposal on the condition that measures necessary to safeguard the security of the gas Major Accident Hazard Pipeline (MAHP) are further discussed with the aim of ensuring the pipeline and the integrity of the servitude or easement area are not compromised. We would request a

planning condition is attached to any consent granted to ensure that full design details of the retaining wall, earthworks and landscaping are provided ahead of full planning permission. The details of this design should also be discussed with SGN. This is to ensure any works do not risk the integrity of the MAHP.

Response: Noted.

- 4.15 **SP Energy Networks** – have no objection to the proposal. However, they have advised that they have high voltage and low voltage overhead lines and underground cables within the vicinity of the proposal.

Response: Noted.

- 4.16 **Estates Service** – in general the Estates Department has no objection to this planning application. However, it should be noted that there is an area at the top of Laighlands Road that is within the Council's Roads account. Any land within the Council's ownership would require, if appropriate, to be declared surplus to Council's operational needs and sold in order to be included in the scheme.

Response: Noted.

- 4.17 **Bothwell Community Council** – Bothwell Community Council raised the following observations and comments on the application:

- (a) **The Community Council is aware of the impact that additional traffic would have on both the immediate and general areas as a result of this development. Despite what the Transportation Statement indicates, I don't think Langside Road would be considered as a wide single carriageway road by many locals, certainly not between the junction with Croftbank Avenue and Hamilton Road where it becomes one-way westbound. Vehicles often have to mount the pavement as the road flattens out and bends slightly to the right on this section, as residential vehicles are parked up the north side of the carriageway directly outside the many flats. In addition, Langside Road may have pavements 'generally' on both sides on the lower/eastern part of the carriageway, but that's certainly not the case on the western section of the road where it's very much a single pavement for several hundred metres as the carriageway approaches Hamilton Road. What improvements, both to structure and condition of the carriageways here, could locals expect to cater for the proposed significant increase in traffic volumes on this already busy section of road with limited visibility on several key parts.**

Response: Subject to the conditions discussed in Section 4.1 above, Roads and Transportation Services raised no objection to the proposal in relation to access and road safety.

- (b) **The commitment to sustainable modes of transport mentioned in the report is commendable, however I see no mention of the steep incline on both Langside Road and Croftbank Avenue as residents travel on either of the only access routes to and from the proposed site. In reality, this incline makes the use of vehicular transport much more popular than it ideally would be and is something that undoubtedly has an impact on traffic volumes approaching Hamilton Road via either Langside Road or Croftbank Avenue. Shouldn't this be taken into consideration as part of likely mode of transport rather than just looking at volumes of vehicles and housing units.**

Response: It is acknowledged that the local topography means that some sections of the route involve inclined footways. In addition, there are concerns regarding the limited level of public transport serving the area in relation to the desire to a move towards a low carbon economy. However, Subject to the conditions discussed in

Section 4.1 above, Roads and Transportation Services raised no objection to the proposal in relation to access and road safety.

- (c) **The lack of parking around the western end of Croftbank Avenue in the immediate vicinity of the Shanghai Teahouse restaurant is already a cause for concern and not something that would be eased by this proposed development. On an almost daily basis, vehicles dropping off patrons or parking for short periods of time to collect takeaways causes havoc for those turning into Croftbank Avenue from Hamilton Road. All too often drivers are forced to stop with the rear end of their vehicles still 'hanging out' onto Hamilton Road due to poorly parked cars. This is incredibly dangerous and without proper enforcement of the rules in this area, will no doubt cause accidents in the future. What plans would be proposed to address these highly visible concerns before there's a serious accident that forces the issue.**

Response: Subject to the conditions discussed in Section 4.1 above, Roads and Transportation Services raised no objection to the proposal in relation to access and road safety. It is noted that there are existing parking restrictions in force in the area in the form of yellow road markings and any concerns should be reported to the Council's Parking Unit. Police Scotland also have powers to take enforcement action against obstructive parking even where yellow line markings are not in place.

- (d) **The general area of Old Bothwell is already under significant development with the partial completion of multiple flats at the junction of Croftbank Avenue and Hamilton Road and the ongoing building works in Glebe Hollow of many new townhouse properties. It is felt that by adding a third development here, one that's even bigger than the two that are still to be completed, will be the straw that breaks the camel's back with respect to road usage. I see no reference to these existing new developments in any of the documentation yet surely the combined effect of these, given that they're not complete yet, added to these new proposals would be of significant importance in any transportation decisions. The impact of both current developments is obviously as yet unknown, but clearly traffic to these will use the same routes proposed here for the Lighthills Road development. The infrastructure here is already thought of by many as insufficient to cope with current usage and at times, dangerous.**

Response: Subject to the conditions discussed in Section 4.1 above, Roads and Transportation Services raised no objection to the proposal in relation to access and road safety.

- (e) **Bothwell thrives on its people and understandably has consistently proved to be a popular place to live and work, but the impact of recent developments on capacity in our two primary schools and other key healthcare facilities has not been a positive one. Both primary schools have had to give up vital space internally and externally to accommodate temporary nursery facilities as we await completion of a new purpose built facility on Clyde Terrace, and residents often approach us with concerns over wait times for doctor's appointments in our local surgery. New housing developments at Bothwellbank Farm, Drumgray Avenue and Bellshill Road in recent years have added hugely to the strain on these services already - as well as those in neighbouring Uddingston. Adding more properties into the mix would put yet more pressure on these services that many feel would be a bridge too far. What plans would be put in place to increase availability of these key facilities if proposals were passed for yet more residential properties.**

Response: The application is considered to be contrary to local plan policy as the proposal would constitute new residential development in the Green Belt without

appropriate justification. If, however, the principle of residential development on the site was considered to be acceptable any consent granted would require the conclusion of a Section 75 Obligation between the applicant and the Council to ensure the provision of financial contributions towards the provision of 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.

- (f) **At this very moment Scottish Water is putting together plans for a £5.8 million project to help reduce the impact of internal and external flooding to properties on Laighlands Road as well as other locations around Bothwell. The vast majority of the work involved in this will take place on Laighlands Road itself and is scheduled to run for many months, potentially starting in 2022. What plans would be in place to cater for a project of this size in addition to work on a potential "significant" housing development in the same street? Again, I believe this should be part of the proposals outlined to local residents as the combination and impact of work taking place here would be astronomical for a not inconsiderable length of time - on an already residential area.**

Response: In relation to the above, a detailed planning application has been submitted by Scottish Water for the installation of a storage chamber, motor control centre (MCC) kiosk, 4m high vent column, 9 no. bollards, access track, gate and boundary fencing on land adjacent to an existing pumping station off Laighlands Road to the south of the application site. This application is currently under consideration by the Council (P/22/0703). However, the application for residential development is considered to be contrary to local plan policy as the proposal would constitute new residential development in the Green Belt without appropriate justification.

- (g) **The Green Belt nature of the land should be highlighted where an abundance of wildlife has been able to enjoy this area over many years. Immediate residents have long since been privileged to witness this, adding to the peaceful nature of the area and enhancing their collective quality of life. South Lanarkshire's own Local Development Plan 2 clearly indicates that this proposed site lies outwith the settlement boundary and that this has been confirmed as 'Priority Greenspace'. We would expect this clear information to be taken into consideration when assessing the application.**

Response: The application is considered to be contrary to local plan policy as the proposal would constitute new residential development in the Green Belt without appropriate justification.

- 4.18 **West of Scotland Archaeology Service (WOSAS)** – have no objections to the application subject to a condition requiring the submission and implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been agreed by the West of Scotland Archaeology Service and approved by the Council.

Response: Noted.

5 Representation(s)

- 5.1 Statutory neighbour notification procedures were undertaken and the application was advertised under the headings Development Contrary to the Development Plan and Non-Notification of Neighbours. Sixty-five letters of representation have been received in the form of 33 letters of objection, 30 letters of support and 2 letters of comment. The matters raised in the representations are summarised as follows.

- (a) The application site is located outwith the settlement boundary and on land designated as Green Belt within LDP2. This plan was produced after wide consultation with the community and elements of the plan should not be set aside without further consultation. The proposals clearly diverge from Policies 1, 2, 3, 4 and 5. Most notably the proposals are in clear breach of Policy 4 which serves to protect the designated Green Belt from development. The proposals also do not accord with Policy 11. The proposals will encourage the increase of private car usage in direct contravention of Policy 15. The proposals will remove the final section of Green Belt between the Bothwell settlement boundary and the M74 motorway and have a significant detrimental impact on the settlement.
Response: The application is considered to be contrary to local plan policy as the proposal would constitute new residential development in the Green Belt without appropriate justification. The above points are noted and the merits of the application are discussed in detail in Section 6 of this report.
- (b) The proposed development is on land previously zoned as a natural barrier between the M74 motorway and the village of Bothwell.
Response: It is considered that the site plays an important role as a buffer in terms of visual amenity and provides a landscape setting for Bothwell which is highly visible from the M74 corridor.
- (c) The loss of green space to the village is disappointing. It has value in supporting a diverse range of wildlife and aquatic birds. The area is known to have badger's dens and building on this site would cause serious disruption to the natural habitat of wildlife. The field has important ecological value as wetland. Previously concern has been expressed about the shrinking extent of wetland in South Lanarkshire. In this context the Laighlands Field is denoted as a Site of Importance for Nature Conservancy (SINC). This development will see not only an increase in the use of heavy machinery, fumes for diesel engines and an increase to Bothwell carbon footprint it will also see the complete destruction of a habitat of species and animals that have lived there for a number of years.
Response: Whilst none of the site is understood to be used by protected, important or sensitive species of fauna or flora a Preliminary Ecological Appraisal was submitted as part of the planning application submission. In terms of biodiversity, parts of the site have previously been noted with biodiversity interest and were identified as a potential Site of Importance for Nature Conservation (SINC), what is now called a Local Nature Conservation Site (LNCS), especially around the wetland. However, these sites were never formally designated.
- (d) There are concerns regarding the increase in the traffic which would result from the development and adding a significant amount of extra homes and associated traffic to the area is not sustainable with current access routes. The development can only be accessed from the main public routes via Croftbank Avenue or Langside Road (which is one-way). Both roads are narrow and normally feature cars parked on both sides of the road - especially Langside Road. Croftbank Avenue is especially congested approaching the junction with Hamilton Road due to street parking on both sides of the road. The one-way section of Langside Road is extremely narrow and also unfit for additional traffic. Bothwell Park Road is a private, single file, country lane. The road is not designed to cope with a large amount of traffic or vehicle access by the general public. There have been serious and fatal road accidents in Bothwell during the last 12 months and the introduction of additional traffic will only add to these dangers. Additionally, the current 4-way junction at Glebe Wynd, Bothwellpark Road, Glebe Avenue and Laighlands Road is proposed to have an additional road entering this space. This junction is already very busy and will be

congested further with the introduction of an additional road as part of this development. An access route from the development onto Bellshill Bypass would certainly reduce the impact. Is there anything that can be done to accommodate a residents only access from the Raith Interchange area? Would a one way system be considered to keep traffic moving safely.

Response: Subject to the conditions discussed in Section 4.1 above, Roads and Transportation Services raised no objection to the proposal in relation to access and road safety.

- (e) **The applicant mentioned 500m to the village but omitted that it is all uphill which makes access by foot or bicycle impossible for the elderly or less able. Parking in the village is impossible at the moment and can only get worse.**

Response: It is acknowledged that the local topography means that some sections of the route to the village centre involve inclined footways. In addition, there are concerns regarding the limited level of public transport serving the area in relation to the desire to a move towards a low carbon economy. Subject to the conditions discussed in Section 4.1 above, Roads and Transportation Services raised no objection to the proposal in relation to access, parking or road safety.

- (f) **The Applicant has a history of operating without any consideration for public safety. In May 2020 the applicant deployed 3 bulldozers to the area for which planning permission is now sought. The bulldozers operated on the field 12-14 hours per day for four days. The consequence was first a power cut in the area and then they hit and caused severe damage to the main gas pipe running up and along the field. The developer should be aware of the risk and danger which they subjected the general public to last year by hitting the high pressure gas main, they should have had sight of the Register of Scotland Land Title/Sasine title pertaining to the piece of land they are proposing to build on, and they should reasonably be aware of the SGN servitude over the land which prohibits building on the site. Still they persist with submitting a planning application, misleading the Planning Department and potentially subjecting the general public to further danger and risk.**

Response: The above points are noted. However, as discussed above, Scotland Gas Networks (SGN) have no objections to the proposal on the condition that measures necessary to safeguard the security of the gas Major Accident Hazard Pipeline (MAHP) are further discussed with the aim of ensuring the pipeline and the integrity of the servitude or easement area are not compromised. Whilst the Planning Service considers the proposal to be contrary to planning policy, SGN have requested that a planning condition is attached to any consent granted to ensure that full design details of the retaining wall, earthworks and landscaping are provided ahead of full planning permission. The details of this design should also be discussed with SGN to ensure any works do not risk the integrity of the MAHP. In addition, it should be noted that the Health and Safety Executive (HSE) did not advise, on safety grounds, against the granting of planning permission in this case.

- (g) **The proposed development is on a flood plain which has had historic issues of flood risk. Development will increase the risk of flooding elsewhere locally in contravention of Policy SDCC2. There could well be difficulty for householders in the development obtaining building insurance.**

Response: Subject to conditions, no adverse comments were raised by SEPA Flooding nor the Council's Flood Risk Management Team in relation to flood risk.

- (h) **Many of the trees were removed from the field used to shield our view to the M74 motorway. The trees also muffled the noise from the motorway. Work in May 2020 included removal of a large number of trees and we now have a clear view**

of the motorway in the winter. There are concerns that the work proposed would include removal of the remainder of the trees on the field which could substantially increase the traffic noise levels at our property.

Response: Whilst the above points are noted the trees within the site are not protected by a tree preservation order (TPO). No adverse comments were raised by Environmental Services in relation to noise from the motorway subject to a condition requiring the implementation of the scheme for the mitigation of noise shown in the submitted Noise Impact Assessment prior to the proposed development being brought into use.

- (i) In respect of infrastructure, the village of Bothwell has expanded in recent years with a large number of houses being built to such an extent that the infrastructure (roads, doctors, dentists etc) are no longer able to cope with the increased number of residents and this further development would exacerbate the current problems. The drainage systems that will be put in cannot be connected to the existing drainage system but via a SUDS pond to a local burn. This will cause additional flooding which is already a local issue.**

Response: As discussed above in relation to the impact on existing facilities in the area, if the principle of residential development on the site was considered to be acceptable any consent granted would require the conclusion of a Section 75 Obligation between the applicant and the Council to ensure the provision of financial contributions towards the provision of 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. Subject to conditions being attached to any consent granted, no adverse comments were raised by any of the consultees in relation to drainage and flooding.

- (j) The emergency services (fire service) would not be able to gain access down Croftbank Crescent at certain times due to the parking and increased traffic flow. The Glebe and Bothwell Park Road form a well-used path for cyclists and ramblers on the way to Strathclyde Park and local horse riders. Any change here would result in this group being in danger from HGV vehicles whilst building is taking place and subsequently an increase in residential parking would mean that these activities would be curtailed.**

Response: Whilst the above points are noted, the application is considered to be contrary to local plan policy as the proposal would constitute new residential development in the Green Belt without appropriate justification.

- (k) With the increase in Traffic Generation this development also breaks the 2022 South Lanarkshire Sustainability Strategy Outcomes quoted on page 12 "South Lanarkshire natural environment is protected, enhanced and respected" if this development is also approved it would be breaking a second outcome that "local communities are supported in taking action to be more environmentally responsible"**

Response: The application is considered to be contrary to local plan policy as the proposal would constitute new residential development in the Green Belt without appropriate justification. The above points are noted and the merits of the application are discussed in detail in Section 6 of this report.

- (l) Laighlands Road is part of the National Cycle network route from Strathclyde Park to Uddingston and is already in a pitiful state with potholes. Further construction traffic will only exacerbate the condition. Should this development be approved Laighlands Road and Bothwellpark Road must be upgraded and traffic calmed. The developer should contribute to the cost. What are the**

intentions of the proposer to resurface the road after completion. What guarantees will the council demand to ascertain the proposer will complete the work to resurface Laighlands Road.

Response: Subject to the conditions discussed in Section 4.1 above, Roads and Transportation Services raised no objection to the proposal in relation to access and road safety. However, the application is considered to be contrary to local plan policy as the proposal would constitute new residential development in the Green Belt without appropriate justification.

- (m) **Have Police, Fire Service and Ambulance Service been consulted on the current road access?**

Response: Consultation with the above services was not considered necessary in terms of the assessment of this planning application.

- (n) **The excavation and construction of the proposed apartments so close to a high pressure gas main must surely contravene Health and Safety regulations.**

Response: The Health and Safety Executive (HSE) were consulted on the application and did not advise, on safety grounds, against the granting of planning permission in this case.

- (o) **Overdevelopment of the site, so much so that the surface water drainage from the proposed housing cannot be connected to the existing drainage system but via a SUDS pond to a local burn. There has been serious flooding in this area over many years. Due to climate heating heavy rainfall in Scotland is predicted to increase. Removing the current green space with this development and the introduction of roads and hard landscaping will add to the existing inefficient drainage and associated flood risks.**

Response: Subject to conditions, no adverse comments were raised by any of the consultees in relation to drainage or flooding.

- (p) **How mature are the trees to be planted? Would they be of a native species? Would they become as grand as those of Silverwells Crescent?**

Response: As the application is for planning permission in principle limited information has been submitted with the application in terms of the detailed landscaping scheme for the proposal. Landscaping would be addressed through the submission of any future detailed or matters specified in conditions application(s) if planning permission in principle was granted for the current proposal.

- (q) **The part of the proposed development adjacent to Laighlands Road is confined to that area where the landowner/applicant deposited thousands of tons of soil before South Lanarkshire Council intervened. This area is in Green Belt as confirmed by the most recent local area plan and the field is designated by SEPA as a high-risk flood plain. It acts as a catchment area when Bothwell Bridge impedes the flow of the river in surge conditions and the river overflows. The proposal includes a small SUDs area, the capacity of which is tiny as compared to that of the infilled area. Inevitably, there will be more frequent flooding elsewhere especially at the low point of Laighlands Road towards Langside Road.**

Response: SEPA (Flooding) were consulted on the proposal and have advised that they have no objections to the application on the grounds of flood risk. In addition, Roads and Transportation Services (Flood Risk Management Section) have no objections to the application subject to the applicant complying with the principles set out within the Council's Developer Design Guidance - Flood Risk Assessment and Sustainable Drainage Systems. The submitted Flood Risk Assessment shows the proposed development to be located outwith the functional floodplain and that the land

is to be raised to provide the required freeboard above the predicted flood extents considering the most up to date climate change predictions.

- (r) **Concerns about the proposed development in relation to loss of light, overlooking and loss of privacy and loss of outlook to existing adjacent properties in addition to concerns regarding light pollution, noise and disturbance.**

Response: As the application is for planning permission in principle limited information has been submitted with the application in terms of the detailed layout and design of the proposal. These matters would be addressed through the submission of any future detailed or matters specified in conditions application(s) if planning permission in principle was granted for the current proposal.

- (s) **There are no appropriate or close connections to existing public transport with the village centre and services located a significant distance on foot from the proposed development site. The location of the development proposals will be difficult for pedestrians and disabled people to move around.**

Response: The above concerns are noted. As the proposal stands, it is considered that the proposed development would be unsustainable in terms of offering alternative modes of transport to the private car.

- (t) **The Minute of Agreement between the Council and Messrs Durant under Section 75 of the Town and Country Planning Act, signed by them on 15th April 2003, placed restrictions on the use of land in areas of Laignlands field.**

Response: The above points are noted. The application is considered to be contrary to local plan policy as the proposal would constitute new residential development in the Green Belt without appropriate justification. The merits of the application are discussed in detail in Section 6 of this report.

- (u) **I have always thought that the field was a dreadful eyesore and welcome the proposal as it will very much lift the area. There are similar developments already in place along the motorway. I very much like the proposed style of houses and site layout and really feel that this development would not only give a fresh look to the street but to the passing traffic on the road system as in the Bellshill Road and A725 and M74.**

Response: The above points are noted and the merits of the application are discussed in detail in Section 6 of this report.

- (v) **The site will help deliver much needed homes for Bothwell and allow more choice and affordability of quality homes to families in the area and is long overdue. There is very little housing supply in the area and what is available is beyond most people's price range. I support the mix and type of homes shown, which will include some affordable homes.**

Response: The above points are noted and the merits of the application are discussed in detail in Section 6 of this report.

- (w) **The site is a logical infill site and is of low grade contained by the motorway. This type of site is much better than releasing good quality agricultural land.**

Response: The above points are noted and the merits of the application are discussed in detail in Section 6 of this report.

- (x) **The site will allow the houses to address those opposite and allow for a more traditional streetscape. The new houses are next to a motorway that will give quick transfer to work or school.**

Response: The above points are noted and the merits of the application are discussed in detail in Section 6 of this report.

- (y) **The proposals will bring investment to the area in the form of construction jobs and will bring support to local businesses in the Town Centre. Economically it should be considered due to new construction jobs created and the additional revenue created to the council.**

Response: The above points are noted and the merits of the application are discussed in detail in Section 6 of this report.

- (z) **It will be great to be able to walk and use the proposed community nature reserve.**

Response: The above points are noted and the merits of the application are discussed in detail in Section 6 of this report.

- (aa) **The site will allow the houses to address those opposite and allow for a more traditional streetscape.**

Response: The above points are noted and the merits of the application are discussed in detail in Section 6 of this report.

- (bb) **A number of comments in support of the application are made from persons outside the local authority area with no local interest and with no supporting evidence for how the application is supported by the policies adopted by the council within LDP2.**

Response: There are no locational restrictions placed on who can make representation to a planning application.

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

6 Assessment and Conclusions

- 6.1 The applicant seeks planning permission in principle for residential development (dwellinghouses and flats) together with access, landscaping, open space and associated works. To support the proposal a Housing Land Analysis has been submitted to substantiate the absence of a housing land supply. The supporting Planning Statement advises that the proposal involves the erection of 44 new dwellings, including 32 in market tenure, which would contribute significantly to filling a 39 unit shortfall in the supply of land for market housing in South Lanarkshire. It goes on to say that the supply of new homes in Bothwell is greatly outstripped by the demand for housing. The proposal would provide a range of new housing suitable for families, couples and single persons delivering significant alleviation of current market pressures. The determining issues in consideration of this application are its compliance with strategic and local plan policy and its impact on the visual amenity of the area and on the local road network.
- 6.2 In terms of government guidance, Section 25 of the Town and Country Planning (Scotland) Act 1997 states that the determination of a planning application shall be in accordance with the development plan unless material considerations indicate otherwise.
- 6.3 Scottish Planning Policy (SPP) advises that a generous supply of land should be provided to meet identified housing needs. SPP also introduces a presumption in favour of development that contributes to sustainable development. However, it advises that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For proposals

that do not accord with up-to-date development plans, the primacy of the plan is maintained and SPP and the presumption in favour of development that contributes to sustainable development will be material considerations. In this instance, and in view of the requirement to determine and assess all planning applications in terms of the provisions of the development plan, the proposal is considered to be contrary to local plan policy as it would constitute new residential development in the Green Belt without appropriate justification. As the proposals stand, it is considered that the development would also be unsustainable in terms of its peripheral location and offering alternative modes of transport to the private car. The proposal is, therefore, considered to be contrary to national planning policy.

- 6.4 In terms of strategic planning policy, the proposal requires to be considered against the approved Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP). The GCVSDP is committed to supporting new housing which creates high quality places and delivers the right type of housing in the right locations. Policy 8 - Housing Land Requirement of the GCVSDP requires local authorities to make provisions within their LDPs for all-tenure housing land requirement as set out within Schedule 8; to allocate a range of effective residential sites; to provide a minimum of 5 years effective land supply at all times; to undertake an annual housing land audit to monitor completions; and to take steps to remedy any shortfalls that may exist. With regard to Policy 8, the Planning Service is satisfied that the supply of housing land meets the requirements set out by the Scottish Government and the Glasgow and Clyde Valley Strategic Development Plan (Clydeplan), therefore, there is no need for the release of further land. The Council has assessed its housing land supply and has concluded that it is robust and generous and that there is no requirement for housing release since there is no shortfall identified in the land supply.
- 6.5 Policy 14 - Green Belt of the GCVSDP states that local authorities are required to designate Green Belt in order to ensure that development is directed to the most appropriate locations and supports regeneration. Given the above assessment of the Council's housing land supply it is considered that there is no need for the site to be released since there is no shortfall in the housing land requirement. This matter is discussed further in the following paragraphs. As the development does not support the vision, spatial development strategy and placemaking policy, and is not considered to be an acceptable departure, the proposal is deemed to be contrary to the Glasgow and Clyde Valley Strategic Development Plan.
- 6.6 In terms of local plan policy, the site is located within the Green Belt in the adopted South Lanarkshire Local Development Plan 2. The application site and associated proposal is affected by Policy 1 - Spatial Strategy, Policy 2 - Climate Change, Policy 4 - Green Belt and Rural Area, Policy 5 - Development Management and Place Making Policy, 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 and Policy DM15 - Water Supply.
- 6.7 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. This will be achieved by supporting regeneration activities and maximising regeneration and local economic benefits; delivery of appropriate development proposals and development that accords with and supports the policies and proposals in the development plan and supplementary guidance.

- 6.8 Whilst noting the content of the supporting information submitted with the application, the application site is located in the Green Belt outwith the Bothwell Settlement boundary and is not included in any of the development priorities identified in Appendix 3 of the adopted Local Development Plan 2. It is considered that the proposed use of the site for residential development would not represent sustainable economic growth or regeneration in this instance as required by Policy 1 and would instead result in a significant and unwarranted intrusion into the Green Belt at this location resulting in an adverse impact on the natural environment. There are also concerns regarding the peripheral nature of the site and its poor access to the range of services and amenity of Bothwell and it is acknowledged that the local topography means that some sections of the route from the site to the village centre involve inclined footways. Due to the limited level of public transport serving the area, the application site is not considered to be a sustainable location in terms of the desire to move towards a low carbon economy. As the proposals stand, it is considered that the development would be unsustainable in terms of offering alternative modes of transport to the private car. For the above reasons the proposal is considered to be contrary to the terms of Policies 1 and 2.
- 6.9 Policy 4 states 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 and protect and provide access to open space. Development in the Green Belt will be strictly controlled and any proposals should accord with the appropriate uses set out in SPP. Both the Green Belt and the Rural Area function primarily for agriculture, forestry, recreation and other uses appropriate to the countryside. Development which does not require to locate in the countryside will be expected to be accommodated within the settlements identified on the proposals map. Isolated and sporadic development will not be supported.
- 6.10 In addition to the above, Policy 3 - Green Belt and Rural Area of the Supplementary Guidance 2 is relevant to the assessment of the application. Policy 3 repeats the wording set out in Paragraph 6.9 above. It advises that in the rural area, limited expansion of an existing settlement may be appropriate where the proposal is proportionate to the scale and built form of the settlement, it is supportive of the sustainability of the settlement and a defensible settlement boundary is maintained. However, it goes on to say that in both the Green Belt and the rural area, isolated and sporadic development will not be supported.
- 6.11 It is considered that the application for residential development on the site does not accord with Policy 4 - Green Belt and Rural Area of the adopted Local Development Plan 2 as the proposal cannot be justified under any of the circumstances listed. It has not been demonstrated that there is a specific locational requirement and established need for the proposal, the proposal does not involve the redevelopment of derelict or redundant land, it is not for the conversion of traditional buildings nor is it for limited development within clearly identifiable infill, gap site and existing building groups and it does not relate to an extension of existing premises or uses. The site is not considered to be suitable for rounding off the settlement and its proposed use for residential development would represent a significant and unwarranted intrusion into the Green Belt at this location with subsequent adverse impacts on the natural environment. It is considered that the approval of the application and the development of the site for housing would be inappropriate and would also set an undesirable precedent leading to potential pressures for other incremental expansions further into the adjoining Green Belt land that would be harder to resist in future. There are no material considerations that outweigh the provisions of the development plan in terms of the site's Green Belt designation, therefore, it is considered that a departure from

the development plan in this instance cannot be justified. The proposal is, therefore, clearly and irrefutably contrary to Policy 3.

- 6.12 Similarly, the proposal is clearly not considered to be in accordance with Policy 3 of Supplementary Guidance 2: Green Belt and Rural Area as the application site is located within the Green Belt and it cannot be justified under any of the circumstances listed.
- 6.13 Policy GBRA1 provides a framework that is applicable to all forms of residential and non-residential development within the countryside with a particular emphasis placed on appropriate design, finishing materials and the protection of amenity. However, as the application is for planning permission in principle, detailed plans do not form part of the application.
- 6.14 In view of all of the above it is considered that the site is not appropriate for residential development. The site is designated as Green Belt in the South Lanarkshire Local Development Plan 2 which was adopted in 2021 and is up to date. The site fulfils the Green Belt function set out in Scottish Planning Policy of protecting and enhancing the character, landscape setting and identity of the settlement. In strategic land use terms, it is considered that this particular part of the Green Belt provides a clearly defined separation between the built-up area of Bothwell and the M74 motorway corridor immediately to the east. It is also considered that the site plays an important role as a buffer in terms of visual amenity and provides a landscape setting for Bothwell which is highly visible from the M74 corridor.
- 6.15 From a housing land perspective it is considered that there is no requirement for further housing release within the South Lanarkshire Housing Market Area. The Council carries out an annual Housing Land Audit which provides an up-to-date position regarding all tenure land supply and completions across the 4 housing market areas of South Lanarkshire (Hamilton, East Kilbride, Cambuslang Rutherglen and Clydesdale). The audit was recently agreed with Homes for Scotland for 2021 and this demonstrates that there is no shortfall of housing in any of the housing market areas. The Council is satisfied that the supply of housing land meets the requirements set out by the Scottish Government and the Glasgow and Clyde Valley Strategic Development Plan (Clydeplan), therefore, there is no need for the release of further land. Scottish Planning Policy (SPP) advises a generous supply of land should be provided to meet identified housing needs. The Council has assessed its housing land supply and has concluded that it is robust and generous and that there is no requirement for housing release since there is no shortfall identified in the land supply. In addition, there is more than the requisite 15% generosity available. In recent years there has been a high level of activity in the area with sites under construction or completed at Bothwellbank Farm, Old Bothwell Road and smaller sites such as Croftbank Crescent and Earls Gate. This has added a degree of choice in terms of both size and tenure to the land supply in Bothwell. Coupled with the development of the site at the former Uddingston Gas Works the area has seen a steady increase in supply that more than meets the demand or requirement of the population. Further release of land is not required and, therefore, it is considered that there is no need to release this site.
- 6.16 Policy 15 states that new development proposals must consider, and where appropriate, mitigate the resulting impacts of traffic growth, particularly development related traffic, and have regard to the need to reduce the effects of greenhouse gas emissions and at the same time, support and facilitate economic recovery, regeneration and sustainable growth. Development of walking, cycling and public transport networks which provide a viable and attractive alternative to car travel, thus reducing the effects of transport on the environment, will be supported. As discussed,

there are concerns regarding the peripheral nature of the site and its poor access to the range of services and amenity of Bothwell and it is acknowledged that the local topography means that some sections of the route from the site to the village centre involve inclined footways. Due to the limited level of public transport serving the area the application site is not considered to be a sustainable location in terms of the desire to move towards a low carbon economy. As the proposals stand, it is considered that the development would be unsustainable in terms of offering alternative modes of transport to the private car.

- 6.17 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 SEPA nor 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. In relation to sewerage, Scottish Water have advised that there is currently insufficient capacity for a foul only connection at the Bothwellbank Waste Water Treatment works to service the development.
- 6.18 In summary and in view of all of the above and the legal requirement to determine and assess all planning applications in terms of the provisions of the development plan, it is considered that the proposal is contrary to national, strategic and local plan policy as it would constitute new residential development in the Green Belt without appropriate justification. There are no material considerations that outweigh the provisions of the development plan, therefore, a departure from the development plan in this instance cannot be justified. As such, it is considered that planning permission in principle should be refused for the reasons stated below.

7 Reasons for Decision

- 7.1 The proposal raises significant amenity and environmental issues and fails to comply with Policy 8 - Housing Land Supply and Policy 14 - Green Belt of the Glasgow and Clyde Valley Strategic Development Plan (2017), Policy 1 - Spatial Strategy, Policy 2 - Climate Change, Policy 4 - Green Belt and Rural Area of the Adopted South Lanarkshire Local Development Plan 2 (2021).

David Booth

Executive Director (Community and Enterprise Resources)

Date: 10 June 2022

Previous references

- ◆ P/21/0009/PAN

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Glasgow and Clyde Valley Strategic Development Plan (2017)
- ▶ Neighbour notification letter dated 03.12.2021
- ▶ Press Advertisement, Hamilton Advertiser dated 16.12.2021

► Consultations	
Arboricultural Services	08.12.2021 & 25.05.2022
Community and Enterprise Resources Biodiversity Officer	
Bothwell Community Council	09.12.20212, 17.12.2021, 10.05.2022, 10.12.2021
Transport Scotland	21.04.2022
SEPA Flooding	17.01.2022
Community and Enterprise Resources Play Provision	
Housing Planning Consultations	03.12.2021
Education Resources School Modernisation Team	24.05.2022
Scotland Gas Networks (SGN)	23.12.2021 & 21.04.2022
Roads Development Management Team	18.08.2022
Environmental Services	16.12.2021 & 19.05.2022
Roads Flood Risk Management	24.05.2022
Scottish Water	06.12.2021
SP Energy Network	02.12.2021
Estates Services - Housing and Technical Resources	26.05.2022
Countryside and Greenspace	
Health and Safety Executive (HSE)	08.02.2022
► Representations	Dated:
Mr James Sneddon, 5 Dixon St, Hamilton, ML3 6PZ	21.12.2021
Mr Gary Nelson, 1, Middleton Avenue, Larkhall, ML92TL	23.12.2021
Mr Lukasz Rosa, 66 Kilmaurs Street, Glasgow, G51 4UB	22.12.2021
Mrs Susanne Morrison, 2 Clydevale, Bothwell, GLASGOW, G718NL	27.12.2021
Sharon Kilgour, Via Email	14.12.2021
Maud Lithgow, Summerhill, The Glebe, Bothwell, G71 8AG	13.12.2021
William Jones, By Email	14.12.2021
Amy Jones, By Email	14.12.2021

Ms June Bell, 172 Zena Street, Glasgow, G33 1JB	19.12.2021
Miss Marilyn Jack, 15 Croftbank Avenue, Bothwell, Glasgow, G71 8RT	19.12.2021
Mr Jim Boyd, 12 Clydevale, Bothwell, G71 8NL	24.12.2021
	24.12.2021
Mr Martin Donnelly, 4 Clydevale, Bothwell, Glasgow, G718nl	24.12.2021
	24.12.2021
Mr Neil McCallum, 133 Baillieston Road, Glasgow, G32 9NZ	09.12.2021
	09.12.2021
Mr James Corriy, 1 Kirkfield Road, Bothwell, G718JE	14.12.2021
Mrs Joanna Biernacka, 2370 Dumbarton Road, G14 0QL, Glasgow	22.12.2021
Mr Graeme Irvine, 35 Aitchison Place, Falkirk, FK1 5AY	22.12.2021
Mrs Darianne Young, 14 Carlisle Court, Larkhall, ML92FD	23.12.2021
S Kennedy, Tregenna, 3 The Glebe, Bothwell, G71 8AG	14.12.2021
Maud Lithgow, Summerhill, The Glebe, Bothwell, Glasgow, South Lanarkshire, G71 8AG	10.12.2021
Lesley and Grant Watson, 35 Laighlands Road, Bothwell, G71 8AL	22.12.2021
Siân McDonald & Alan Cunningham, 40 Laighlands Road, Bothwell, Glasgow, South Lanarkshire, G71 8AL	29.12.2021
Richard Scotcher, Badgers Bank, Glebe Avenue, Bothwell, G71 8AA	20.12.2021
Elizabeth McEwan, 42 Laighlands Road, Bothwell, Glasgow, South Lanarkshire, G71 8AL	29.12.2021
Margaret Glen, 7 Bothwellpark Road, Bothwell, Glasgow, South Lanarkshire, G71 8AQ	29.12.2021
Mrs Ann Sutherland, 1 McPherson Drive, Bothwell, G 71 8QP	14.04.2022
Mr John Hill, 42 Greenfield Crescent, Wishaw, MI2 8NZ	23.12.2021
Mr Michael Dick, 1 Glebe Wynd, Bothwell, Glasgow, G71 8QT	24.12.2021
Graham Thomson, Via Email	09.12.2021
Dr William Jack, 33 Laighlands Road, Bothwell, Glasgow, G71 8AL	21.12.2021
	21.12.2021
Mr James Dickson, Glenview, The Glebe, Bothwell, G71 8AG	09.12.2021

Mr Angus Robertson, SGN, 1 Fullarton Drive, Glasgow, G32 8FD	10.12.2021
Stewart Logan, Via Email	21.12.2021
Miss Joanne Smith, 0/1 2 Croftbank Crescent, Bothwell, Glasgow, G71 8RS	03.01.2022
Mr Graham Whiteford, Received Via Email	10.12.2021
Graham Thomson, Received Via Email	10.12.2021
Joanna Kirk, Received Via Email	10.12.2021
Alan Love, Received Via Email	10.12.2021
Mr Dennis Walker, 5 North Deanpark Avenue, Bothwell, Glasgow, G71 8HH	17.12.2021
Mr Trevor Morgan, 41 Laighlands Road, Glasgow, G71 8AL	19.12.2021
Mrs Sandra Jones, 11 Croftbank Avenue, Bothwell, Glasgow, G71 8RT	19.12.2021
Mr Piotr Ciaciek, 5 Newhaven Road, Glasgow, G33 3XG	21.12.2021
Mrs Christine Marshall, 9 Clydevale, Bothwell, G71 8NL	14.12.2021
Mr Vincent Conetta, 5 Laighlands Road, Bothwell, Glasgow, G718aj	11.12.2021
Mrs Shona Mannering, 18 Clydevale, Bothwell, Glasgow, G71 8NL	12.12.2021
Mr Derek Jones, 11 Croftbank Avenue, Bothwell, G71 8RT	19.12.2021
Mr Andrew Murray, 6b Essex Road, Edinburgh, EH4 6LG	09.12.2021
Mr Fraser McHenry, 9 Croftbank Avenue, Bothwell, Glasgow, G71 8RT	09.12.2021 09.12.2021
Mr David McMahon, 36 Wellhall Road, Hamilton, ML3 9BL	12.12.2021
Miss Anne Deadman, 10, Carlisle Court, Larkhall, ML9 2FD	23.12.2021
Mr Stewart Morrison, 2 Clydevale, Bothwell, GLASGOW, G718NL	27.12.2021
Mr Grzegorz Filipczak, 16/1 25 Soutra Place, Glasgow, G33 3JE	21.12.2021
Pauline Scanlan, 71 Olifard Avenue, Bothwell, G71 8QL	24.12.2021
Ms Elizabeth Anderson, 29 Hume Drive, Bothwell, G718LN	14.12.2021 14.12.2021

Mr Kenneth Stenhouse, 26 Uddingston Road, Bothwell, GLASGOW, G71 8PN	09.12.2021
Mr Lukasz Biernacki, 38 Garvel Drive, Glasgow, G33 4PG	21.12.2021
Mr James Rennie, 12 Langside Road, Bothwell, Glasgow, G71 8NG	21.12.2021 22.12.2021
Mr Richard Mannering, 18 Clydevale, Bothwell, Glasgow, G71 8NL	14.12.2021
Mrs Anna Biernacka, 38 Garvel Drive, Glasgow, G33 4PG	21.12.2021
Stephanie Plant, 47 Main Street, Bothwell, G71 8ER	22.12.2021
Mrs Agata Osharode, 942 Westmuir Street, Flat 3/2, Glasgow, G31 5BS	22.12.2021
Mrs Lesley Williams, 15 Clydevale, Bothwell, G71 8NL	11.12.2021
Mr Dariusz Nockowski, 942 2/1 Gartloch Road, Glasgow, G33 5AP	22.12.2021
Mr Armando Cirignaco, 2 Blantyre Mill Road, Bothwell, Glasgow, G71 8DD	11.12.2021
Mr Ross Aitchison, 36 Castle Wynd, Bothwell, G71 8TQ	08.02.2022
Mrs Maud Lithgow, Summerhill, The Glebe, Bothwell, G71 8AG	04.03.2022

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

Permission in Principle

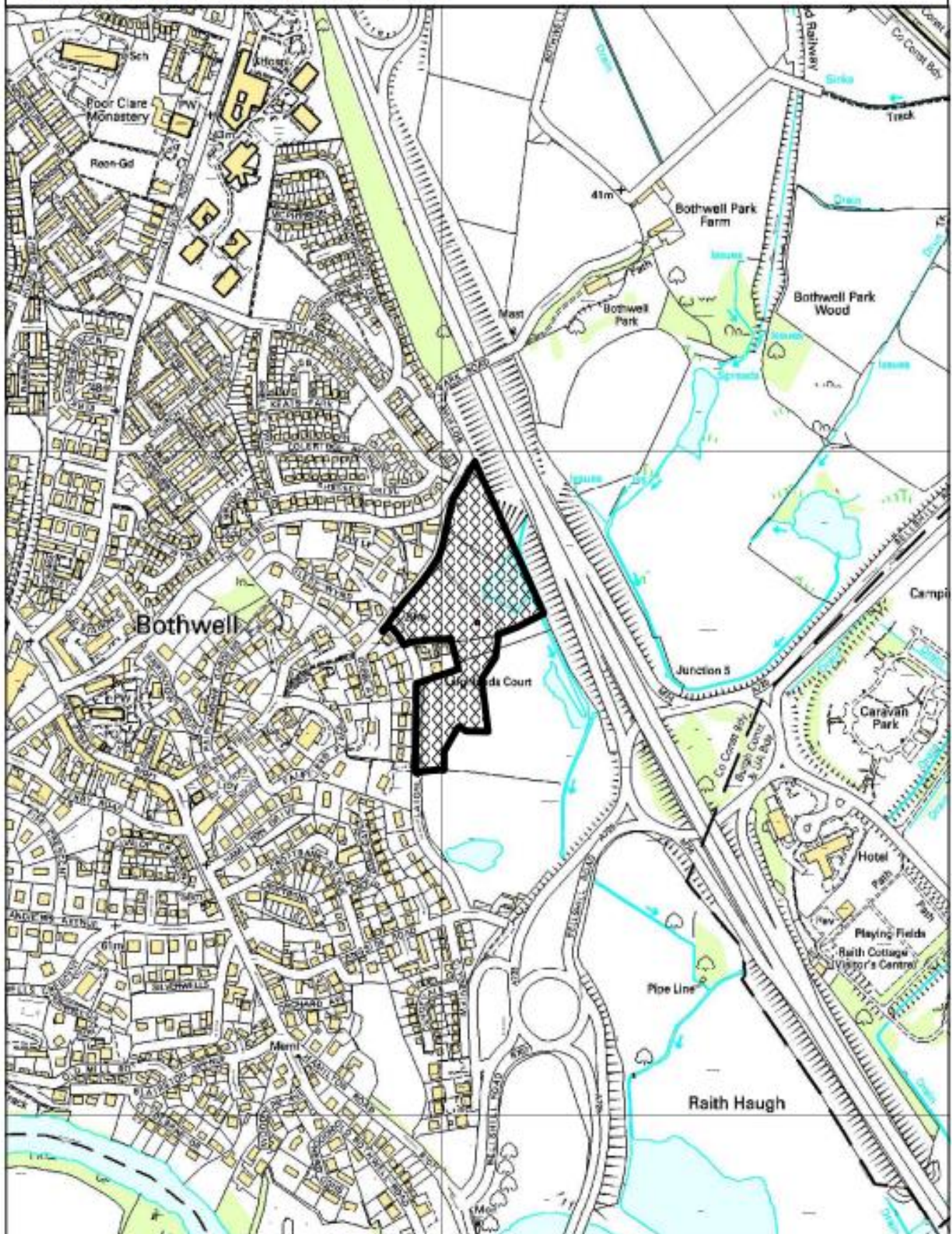
Paper apart – Application number: P/21/2044

Reasons for refusal

01. The site is in the Green Belt and the proposal is not in accordance with Policies 8 and 14 and the Spatial Development Strategies of the approved Glasgow and the Clyde Valley Strategic Development Plan (2017).
02. The proposal is contrary to Policy 1 - Spatial Strategy, Policy 2 - Climate Change and Policy 4 - Green Belt and Rural Area of the adopted South Lanarkshire Local Development Plan 2 (2021) as it is an inappropriate location for housing development and would constitute new residential development in the Green Belt without appropriate justification.

P/21/2044

Land 90M Northeast of 38 Laighlands Road, Bothwell



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South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

3

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

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

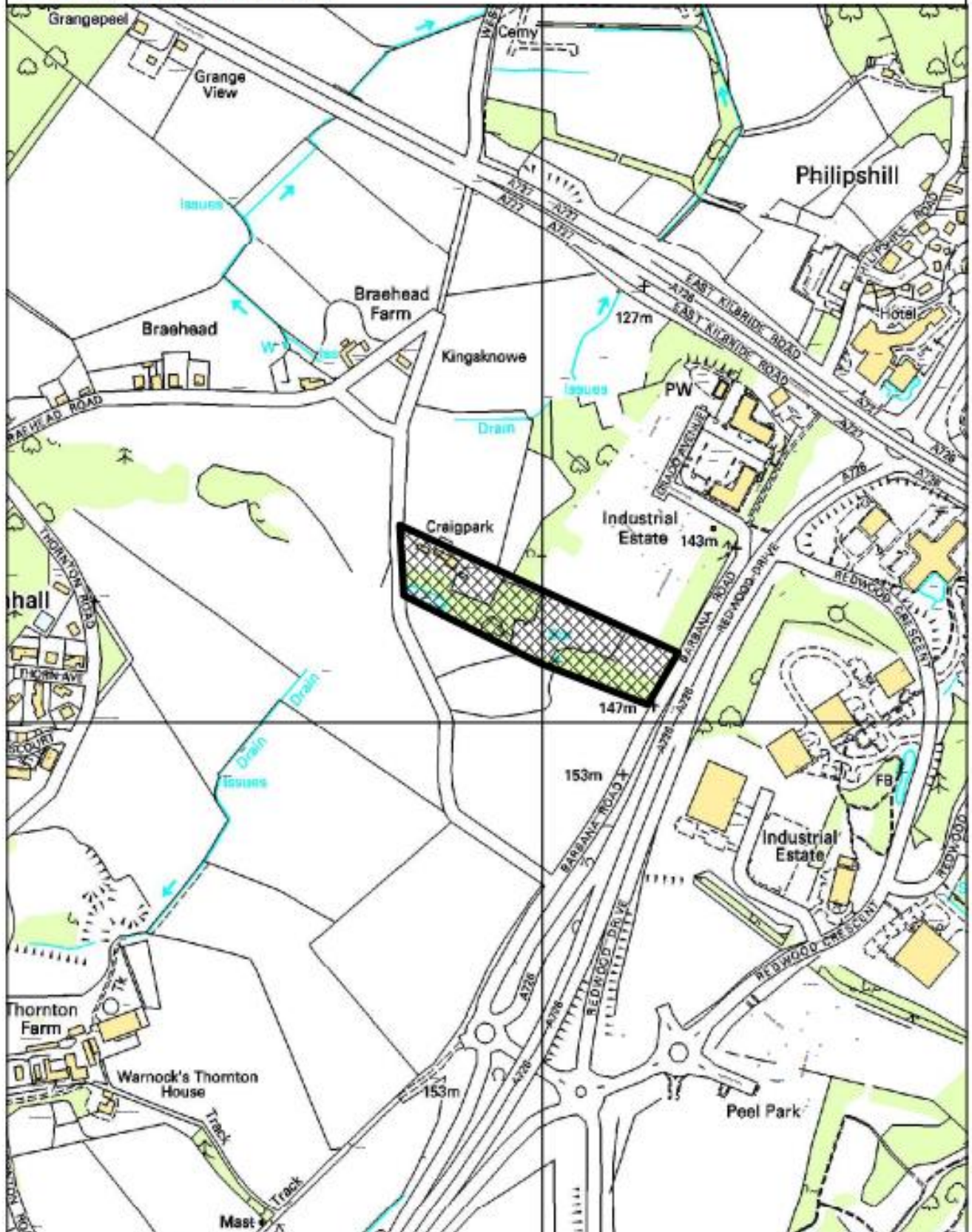
Email: morag.neill@southlanarkshire.gov.uk

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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South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

4

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

Application no.	P/19/0776
Planning proposal:	Formation of 36 house plots

1 Summary application information

Application type:	Detailed planning application
Applicant:	A Early
Location:	Land 130M North of Greenacres Access for Kersewell College from A70 to Kersewell Avenue Carnwath Lanark

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) A request for a pre-determination hearing has been made in relation to this application. The request does not accord with the Council's guidance on hearings and has been declined.
- (3) Detailed planning permission should not be issued until an appropriate obligation under Section 75 of the Planning Act, and/or other appropriate agreement, has been concluded between the Council, the applicants and the site owner(s). This planning obligation should ensure that appropriate financial contributions are made at appropriate times during the development towards the following:-
 - Financial contribution towards the provision of affordable housing
 - Financial contribution towards educational facilities
 - Financial contribution towards the upgrade of community facilities

In accordance with agreed procedure, should there be no significant progress, on behalf of the applicant, towards the conclusion of the Planning Obligation within 6 months of the date of the Committee, the proposed development may be refused on the basis that, without the planning control/developer contribution which would be secured by the Planning Obligation, the proposed development would be unacceptable.

If, however, this matter is being progressed satisfactorily the applicant will be offered the opportunity to enter into a Processing Agreement, if this is not already in place. This will set an alternative agreed timescale for the conclusion of the Planning Obligation.

All reasonable legal costs incurred by the Council in association with the above Section 75 Obligation shall be borne by the applicant

3 Other information

- ◆ Applicant's Agent: Cindy Plant
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): SLDP2: Policy 2 Climate change
SLDP2: Policy 3 General Urban Areas
SLDP2: Policy 5 Development Management and Placemaking
SLDP2: Policy 7 Community Infrastructure Assessment
SLDP2: Policy 11 Housing
SLDP2: Policy 12 Affordable Housing

◆ Representation(s):

▶	45	Objection Letters
▶	0	Support Letters
▶	1	Comment Letters

◆ Consultation(s):

SEPA West Region

Scottish Water

Roads Development Management Team

Roads Flood Risk Management

Community and Enterprise Resources - Play Provision Community Contributions

Education Resources School Modernisation Team

Housing Planning Consultations

West of Scotland Archaeology Service

Environmental Services

Planning Application Report

1 Application Site

- 1.1 The application site consists of an open field 3 hectares in size, situated within the settlement boundary of Kersewell approximately 3km to the east of Carnwath. The site is accessed from the settlement of Kaimend to the south along a private road, known as Kersewell Avenue, which is over 1km in length. Within the Kersewell Estate there are a number of groups of dwellinghouses of various types and age. The site is generally flat and a number of mature trees are located in the field. A stob and wire fence bounds the site to the south-west and south-east.
- 1.2 A dwellinghouse known as Greenacres lies to the south-west of the site. Kersewell Avenue bounds the site to the south-east with open fields to the north-west and north-east. The field at the north-west of the application site has the benefit of Planning Permission P/19/1250 for 8 dwellings (Amendment to Planning Permission CL/17/0476) – construction work has already started on three of these approved dwellings. Also adjoining the construction site is an area of ground which has been levelled and surfaced and is being used to store material for the adjacent residential development – that area has Planning Permission P/20/0301 for a detached dwelling and a detached garage with accommodation above. A group of dwellinghouses at Finlayson Lane are located to the north-east of the application site, and two dwellings known as Heron Rise and Janefield are located to the north of the site.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning permission to form 36 house plots accessed directly from Kersewell Avenue orientated around an interior spinal road which diverges into three cul-de-sacs linked at the end by interconnecting amenity space. Each plot will be assigned a spacious garden. Three areas of amenity open space would be located in the, northern, north eastern and south eastern areas. One of these open spaces will also contain a Sustainable Urban Drainage system. It is proposed to take vehicular access from Kersewell Avenue at the south eastern corner which is adjacent to amenity space. Foul drainage will be dealt with by a biodisc treatment system with capacity for 225 people. An outfall pipe connected to the surface drainage would then extend to the nearest watercourse, crossing adjoining fields. Evidence of a wayleave across that land has been provided. Some of the existing trees will be retained and new landscape belts will be established around the edges and some of the rear boundaries of the plots.
- 2.2 As supporting documents the applicant has submitted a Design and Access Statement, Design and Development Guide, Pre-Application Consultation Report, Road and Drainage Information, Soakaway Calculations and a Flood Risk Assessment.
- 2.3 As the proposal relates to a residential development which falls within the definition of 'major' development, as set out in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, the applicant undertook a pre-application consultation prior to the submission of this planning application.

3 Background

3.1 Local Plan Status

- 3.1.1 The determining issues in the consideration of this application are its compliance with the adopted South Lanarkshire Local Development Plan 2 and its impact on residential amenity, traffic safety, environmental matters, and infrastructure issues.

3.1.2 In the adopted South Lanarkshire Local Development Plan the site is identified as a housing site and falls within the settlement boundary of Kersewell where the relevant land use Policies are 3 – General Urban Areas and 11 - Housing. In addition, Policies, 2 - Climate Change, 5 - Development Management, 7 – Community Infrastructure Assessment and 12 – Affordable Housing are of relevance to the determination of this application.

3.2 Relevant Government Advice/Policy

3.2.1 In terms of residential development, Scottish Planning Policy (SPP) advises that the planning system should identify a generous supply of land to support the achievement of housing land requirements and maintaining at least a 5 year supply of land at all times. It should also enable the development of well designed, energy efficient, good quality housing in sustainable locations and focus on the delivery of allocated sites. Consideration should be given to the re-use or re-development of brownfield land before development takes place on greenfield sites.

3.3 Planning Background

3.3.1 Planning Permission in Principle CL/10/0457 for a residential development covering approximately 1.9 hectares of the current application site was granted in April 2011. Planning Permission CL/13/0488 was granted for 36 house plots in February 2014.

3.3.2 Planning permission was granted in September 2007 for the erection of 9 detached dwellings on land to the north-west of the site (CL/07/0205). This was subsequently amended by an application to change the proposal to the creation of 9 house plots (CL/09/0071), which was granted consent in May 2009. A section 42 application CL/14/0187 to vary condition 01 of planning permission CL/09/0071 to extend the period of consent by three years was granted in June 2014. Planning Permission CL/17/0476 for 8 dwellings was granted in March 2018. Planning Permission P/19/1250 for 8 dwellings (Amendment to Planning Permission CL/17/0476) was granted in November 2019 – construction work has already started on three of these approved dwellings. Also adjoining the construction site is an area of ground which has been levelled and surfaced and is being used to store material for the adjacent residential development – that area has Planning Permission P/20/0301, granted May 2021, for a detached dwelling and a detached garage with accommodation above.

3.3.3 There is an extensive planning history of development over the past 20 years or so within the wider Kersewell Estate involving the erection of individual dwellinghouses, the creation of small housing developments and the conversion of Bertram House to flats.

3.3.4 The development is classified as a 'major' development under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and was subject to a 12 week period of pre-application consultation (PAC) including a public exhibition which was held in the Carnwath Town Hall. The event was also advertised in the local press and a PAC report has been submitted with this application in adherence with current regulations. A total of 21 people attended, and 5 responses were received.

4 Consultation(s)

4.1 **SEPA** – The consultation falls below the threshold where they would provide bespoke advice therefore reference should be made to SEPA standing advice.

Response: Noted. For the previous planning application SEPA did provide a specific consultation response along with recommended conditions which were attached to the Planning Permission. If Planning Permission is granted for this application these conditions will be re-applied. The applicant proposes discharging treated drainage and

sewerage into the North Medwyn - a separate Controlled Activities Regulations (CARS) licence from SEPA will be required to discharge into any water course.

- 4.2 **Scottish Water** – There is sufficient capacity at the Coulter Water Treatment Works, however, at present capacity at the Kaimend ST2 Waste Water Treatment Works cannot be confirmed. For reasons of sustainability and to protect their customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into their combined sewer system. According to their records the development proposals may impact upon Scottish Water assets. The applicant should be aware any conflict with assets identified may be subject to restrictions on proximity to construction.

Response: Noted. If permission is granted conditions will be applied requiring confirmation from Scottish Water that the proposed dwellings can be connected into the public water supply. The intention is that surface water will be dealt with by SUDS and then via a culvert to discharge into the North Medwynn, not the combined sewer. Conditions have been attached requiring written confirmation from Scottish Water that the development can be connected into the public water supply and won't impact upon Scottish Water Assets. The applicant is proposing private sewerage treatment and disposal arrangements and therefore will not be connecting into the public sewer.

- 4.3 **Roads and Transportation Services** – No objection to the proposal subject to conditions relating to traffic management, a dilapidation survey, visibility, parking, access, roads standards, traffic calming, wheel washing and road cleaning facilities and staff parking. Based on the traffic modelling that was undertaken and the information submitted in relation to the application, it is estimated that 36 residential units are likely to generate in the region of 29 vehicular trips in the morning and evening peaks, which would equate to one additional vehicle every two minutes during the busiest times. The impact of the additional traffic generated from the development is not considered likely to have a detrimental impact on the surrounding area or road network.

In addition to the above, the proposed conditions will also cover the following roads related matters:-

- ◆ Upgrade the existing passing places;
- ◆ Form additional passing places;
- ◆ Incorporate pedestrian refuge areas at these passing places;
- ◆ Signage to highlight the presence of pedestrians;
- ◆ Upgrade of the existing access road prior to occupation of any house within the development;
- ◆ Phasing of the development;
- ◆ Grit bin provision;
- ◆ Drainage; and
- ◆ Details of maintenance arrangements to ensure the upkeep of the access road.

The purpose of these conditions is to mitigate the impact from the additional traffic generated from the proposed development.

Response: Should consent be granted, conditions can be attached to cover these matters.

- 4.4 **Flood Unit** – All flooding and drainage related plans and details are considered satisfactory. An appendix E document should be completed and submitted at the earliest opportunity, ideally before the construction phase of the development is complete.

Response: Noted. If consent is granted, a condition shall be attached requiring the installation of the approved drainage scheme prior to the commencement of work on the dwellings and prior to the occupation of any dwellings the submission and approval of appendix E 'Confirmation of Future Maintenance of Sustainable Drainage Apparatus.'

- 4.5 **Community and Enterprise Resources** - Basing the response on 36 dwellings being created, it is calculated that £54,000 should be available for investment in community assets. There are several community assets in the area and the majority of them are in need of investment. Looking to target the contributions towards existing facilities in the area, therefore, aim should be to obtain the maximum commuted sum with phasing to be agreed as the discussions develop. Regardless of the timings, it is anticipated the requirements for investment to be extensive and, accordingly, would wish to secure the maximum level of developer contribution. Please note that the Council's Grounds Services would not adopt any open space or play areas for future maintenance and, as such, consideration of a factoring arrangement or similar would be required.

Response: If permission is granted a condition would be attached requiring the submission and approval of a play area within the site along with a maintenance schedule. In view of the cumulative impacts of several residential developments upon existing Council services/ facilities, a financial contribution to upgrade such facilities is justified in this instance - this requirement will be covered by a section 75 agreement.

- 4.6 **West of Scotland Archaeology Service** – advise that as a large number of remains have been recorded in the wider landscape surrounding the site, they recommend that an archaeological evaluation is carried out prior to consent being issued, however, if that is not feasible the matter should be addressed by condition.

Response: Noted. For the previous Planning Permission CL/13/0488 an archaeological investigation condition was attached and therefore it would seem reasonable in this instance to also address archaeological issues through suspensive condition.

- 4.7 **Education Resources** - no objections subject to the developer providing a financial contribution for education accommodation in the school catchment areas for the site. The money would be directed to St Mary's Primary School, Lanark and nursery provision in the area. The current three year projection identifies that Carnwath Primary School would have a requirement for approximately 135 pupils which is below the current capacity of 210 pupils. It is therefore considered that pupils from this development could be accommodated within Carnwath Primary School without any adaptations being required.

Response: Noted. Planning permission would not be issued until an appropriate obligation under Section 75 of the Planning Act, and/or other appropriate agreement, has been concluded between the Council and the applicants. This planning obligation would ensure that appropriate financial contributions are made at appropriate times during the development towards education accommodation. The applicant has in principle indicated a willingness to conclude a section 75 obligation. This planning obligation would ensure that sufficient financial contributions are made at appropriate times during the development towards educational provision in the local area.

- 4.8 **Housing Services** – A Section 75 agreement should provide flexibility to deliver 25% affordable housing by way of serviced land with a fall-back position of a commuted sum in the event affordable housing cannot proceed within the timeframe agreed for take up of the option.

Response: Noted. Because of its remoteness from public transport routes, services and shops etc the site is not suitable for affordable housing and therefore a commuted

sum to finance affordable housing elsewhere in the housing catchment area would be more appropriate than on site serviced plots.

Planning permission would not be issued until an appropriate obligation under Section 75 of the Planning Act, and/or other appropriate agreement, has been concluded between the Council and the applicants. This planning obligation would ensure that financial contributions are made at appropriate times during the development towards affordable housing.

- 4.9 **Environmental Services** – no objection subject to conditions covering refuse storage and disposal and dust mitigation and informatives on construction noise, pest control, nuisance, and contamination

Response: Noted. These matters can be covered by condition and informatives if consent is granted.

5 Representation(s)

- 5.1 In response to the carrying out of neighbour notification and the advertisement of the application in the local press for Non Notification of Neighbours and Owners, 45 letters of objection and one comment letter have been received. The issues raised are summarised below:-

- a) **Damage to the road caused by construction traffic. Any further construction traffic would most likely render the road unusable.**

Response: If consent is granted a condition will be attached requiring an initial survey of the haul route to identify the current condition prior to construction and any damage to the road attributable to the approved development shall be repaired after completion of the development or every year if construction lasts longer than a year.

- b) **Disruption caused by construction.**

Response: Construction will only be for a temporary period and conditions and informatives to address residential amenity issues will be attached to the Decision Notice in the event that Planning Permission is granted.

- c) **Any spare space is used for new build homes.**

Response: All proposals for residential development are carefully assessed against Local Plan policies and potential environmental impacts

- d) **Kersewell Avenue and its single track access is not capable of sustaining a housing development of this size. The road is full of potholes and has too few passing places to support more traffic. Excessive deterioration of the road. The entrance to Kersewell Avenue is a blind spot. With an accident record and further traffic flow will simply exacerbate an existing problem. The site is accessed by a mile long single track, unadopted road. It has neither a footpath nor street lighting and it floods periodically, additional traffic will compromise road safety. When construction traffic meets traffic in the opposite direction there is no passing points. There will be a significant increase in traffic generation. Will render the single track road as congested, unsafe for pedestrians and increase risk of collision.**

Response: The Council's Roads and Transportation Service were consulted on this proposal and they offer no objections subject to the upgrade of the existing access road (Kersewell Avenue) also incorporating the upgrading of existing passing places and the formation of additional passing places (both to incorporate pedestrian refuges) and the provision of additional signage. If

consent is granted, an appropriately worded condition will be attached requiring such improvements.

- e) **Flooding due to building works disrupting the natural water drainage. Need assurance that the development will not exacerbate drainage issues. Ground is marshy, not highly permeable – septic disposal could cause significant environmental issues. Drainage of the area proposed is currently uncontrolled, leading at times to significant hindrance on Kersewell Avenue. Flood water drains from the field onto the road. The land earmarked for the development is prone to flooding which spills onto the private road, freezes and breaks up the tar. Adding foundations and internal roads would force this water to Findlayson Lane and adversely impact the structure of the road and homes there. The drainage survey activity was limited to the northwest corner which is the highest point diametrically opposite the worst area of the site for water flow and flooding. This was also following a long dry spell during which there had not been flooding from the site.**

Response: Following initial concerns further percolations tests were undertaken in a number of locations within the site and soakaway test results were produced. A Flood Risk Assessment has been undertaken that concludes the installation of a formal drainage network and SUDS measures would remove the issues associated with run off from the site flowing onto Kersewell Avenue and the development will not increase the risk of flooding elsewhere. A drainage layout supported by completed appendices: A 'Flood Risk Assessment Compliance Certificate', B 'Flood Risk Assessment Independent Check Certificate' C 'Sustainable Drainage Design Compliance certificate', D 'Sustainable Drainage Design Independent Check Certificate' of the Council's Developer Design Guidance (May 2020) has been submitted. The Flood Unit in their consultation response have confirmed that the proposed drainage layout is acceptable subject to the submission and approval of appendix E 'Confirmation of Future Maintenance of Sustainable Drainage Apparatus' of the Council's Developer Design Guidance (May 2020) prior to the completion of the development. The installation of an approved drainage layout and completion of appendix E can be covered by condition if planning permission is granted. Sewage will be treated by a contained bio disc treatment plant with capacity for 225 residents prior to discharge via an existing culvert.

- f) **Noise, dust and pollution caused by increased construction traffic.**

Response: If planning approval is granted conditions and informatives will be attached covering dust mitigation and construction noise. For a development of this size and scale pollution is not anticipated to be an issue.

- g) **The cumulative effects alongside other consented developments should be taken into account. It seems unbelievable that a 3rd large scale development would be considered given issues currently faced with two smaller developments. Already have a large, unfinished building site that seems to have been abandoned in the area. It is an eyesore for all who live here and it does not look like it will be finished anytime soon.**

Response: This application has been carefully considered taking account of existing and consented development in the locality. With conditions covering amenity issues, access improvements, traffic management and drainage attached to any decision issued, potential cumulative impacts can be minimised. Other residential development will likely be substantially completed before work starts on this site thereby avoiding potential conflicts. One of these sites is at Bertram House some distance away to the north east. The work on

the adjacent construction site has stopped until an outstanding condition relating to the provision of an additional passing place has been discharged – feedback from the developer suggests a satisfactory resolution is achievable thereby enabling construction work to restart.

- h) The road should be adopted, and traffic calming measures installed and maintained. Exceeds the normal guidance for quantity of dwellings served by an unadopted road. Road condition needs to be reinstated and upgraded to an adoptable standard and South Lanarkshire Council should adopt the road prior to selling plots for development.**

Response: The requirement for the upgrading of Kersewell Avenue to an adoptable standard would require the widening of the road, the creation of footways and the introduction of street lighting. The need for this was a requirement on a previous consent based on traffic levels generated by that proposal, in association with those on previous approvals for residential development at Kersewell, in comparison to those generated when Bertram House was in commercial use. Whilst recognising that requirement set down at that time, it is considered a number of points are worth noting. First, based on the traffic modelling for the development and information provided in support of the application, the volume of additional traffic that would be generated by this proposal would not have an unacceptable impact on the surrounding road network and therefore the implementation of works requiring the road to be upgraded to an adoptable standard would be disproportionate to the scale of the development. Second, the effect would be to suburbanise the area and adversely affect the rural character of the locality. Nonetheless, road safety concerns raised are a material consideration within the context of the existing situation in the locale. Taking this altogether it is considered that on balance a pragmatic, proportionate and more sympathetic approach which does not compromise public safety should now be taken. This would involve selective and deliverable improvements including the upgrading of, and provision of, additional passing places, pedestrian refuges and the introduction of additional signage.

- i) Consideration should perhaps be given to also adopting the road beyond Heron Rise giving direct access to the A70 without the need to drive down Kersewell Avenue.**

Response: The applicant does not have control or right of access over that section of road.

- j) Dwellings do not fit the character of the area.**

Response: At this stage the proposal is for houseplots without design details and if consent is granted a further application will be necessary to consider the appropriateness of the house types and design.

- k) The development will have an adverse effect on the rural character. The scale and density of the proposal would diminish the character of the countryside in this locality.**

Response: The site falls within the settlement boundary of Kersewell and is identified in the Local Plan as a housing supply site therefore the acceptability of a residential development has already been established through the local plan process, however, the rural setting and character with surrounding woodland, farmland and river valleys will not be diminished.

- l) **There is no provision for mains sewage and the sewage treatment plant is situated next to an existing dwelling and a road used for local walks.**
Response: The proposed sewage plant will be installed in accordance with current guidance and standards.
- m) **Not all residents have any legal obligation to enter a factoring scheme and, as such, a factoring scheme could be difficult to enforce proportionally.**
Response: A significant number of existing dwellings are already bound by the terms of a factoring scheme. If consent is granted there will be a requirement for the details of a factoring scheme to be approved by the Council and thereafter the burden of this factoring scheme shall be placed on the title deeds of each of the approved dwellings.
- n) **There is no guarantee the road will be cleared for residents when snow blocks it.**
Response: As in the case of all private accesses the responsibility rests with the owner and associated users.
- o) **Impact upon water pressure.**
Response: Scottish Water have not objected and have confirmed that there is sufficient capacity in their water supply system albeit a formal application direct to them will be necessary to confirm connection.
- p) **Impact upon broadband. Broadband supply is currently excessively slow and intermittent, significantly below government guidelines. With no fibre and limited space at the exchange this would place additional burden on an already insufficient system.**
Response: It is the responsibility of internet providers to ensure adequate connections can be achieved without impact upon local connectivity. Also, in the event of planning approval a condition will be attached which states: '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.'
- q) **No play facilities are planned.**
Response: If planning permission is granted conditions will be attached requiring the approval and installation of a play area to serve the development.
- r) **Significant overlooking and loss of privacy.**
Response: Although this application is only for houseplots the indicative house footprints have been outlined. The orientation and position of these indicative dwellings are such that the privacy of neighbouring properties will not be compromised. Any further planning application for house details will have to demonstrate maintenance of privacy standards.
- s) **The density of the development is significantly at odds with the surrounding area. An additional 36 dwellings would fundamentally alter density to the detriment of the surrounding farmland, wildlife and residents. The density of the existing homes is optimal with sufficient garden and spacing with common ground to maintain rural nature. How does one squeeze 36 houses onto a plot that would probably only fit 5; maybe 6 of the existing houses within the proximity of the site.**

Response: The Kersewell Estate has been the subject of several consented applications for small scale housing development. As a result, the Council has identified a settlement boundary for this area in the proposed South Lanarkshire Local Development Plan. This current proposal represents a rounding off development opportunity in a similar manner in terms of scale and density as previous approved layouts. The application site is bounded on three sides by existing or consented residential development and in the context of its surroundings can visually integrate and blend in with the nearby built environment.

- t) **The greenfield site is in countryside beyond any defined settlement boundaries and in a location where there are very limited facilities, amenities, public transport links and employment opportunities. Would be contrary to the government's objective of securing sustainable patterns of development. The development of 36 family homes at Kersewell Avenue would place a heavy and unsustainable reliance on travel by car. Nearest schools, shops, services and medical practice will have to be accessed by car. There are opportunities to develop in more sustainable locations.**

Response: The site falls within the settlement boundary of Kersewell which is within 3km car journey of Carnwath where shops, services, and a medical practice can be accessed. This is not dissimilar to most small settlements which lack a range of services and are reliant on visits to nearby larger settlements. In terms of sustainability there is going to be a move towards electric cars and in recognition of that a condition will be applied requiring electrical car charging points in the event planning permission is granted. Another condition will require renewable energy and carbon reduction technology to be incorporated into the house designs. Further, since COVID restrictions and the practice of home working was established two years ago, a significant proportion of people are continuing to work from home despite the lifting of restrictions and therefore can avoid daily commute journeys.

- u) **Can schools cope with the increase in pupil numbers.**

Response: In their consultation response Education Resources have not raised any objections subject to financial contributions to cover capacity constraints in nursery and denominational primary schooling. The applicant has agreed to pay the requested contribution.

- v) **How will pupils be bussed to school? The existing mini-bus service may be insufficient yet there is no safe turning space on this single track road for a larger bus.**

Response: It is the responsibility of the school authorities to provide transport for school children. If a larger bus is unsuitable then they will make that judgement.

- w) **The opportunity should be taken to install an environmentally communal sewage management system.**

Response: The development will be served by a bio disc sewerage treatment system.

- x) **It is clear from the constant stream of applications for this site the applicant is only trying to get planning application passed with the minimum outlay or work and he shows no positive commitment to this community.**

Response: This is the first planning application covering this site since the previous Planning Permission CL/13/0488 for the same proposal was granted in February 2014. The applicant has agreed to contribute financially towards upgrading community facilities in the vicinity.

y) Insufficient waste disposal facilities for food and garden waste.

Response: If permission is granted a condition will be attached requiring the approval of details for waste storage and disposal facilities.

z) No mention of 36 dwellings being built prior to purchasing property opposite the site.

Response: The objector may have bought the property after the previous Planning Permission CL/13/0488 for 36 plots expired in February 2017.

aa) No public infrastructure such as street lighting or sewerage.

Response: In their consultation response Roads and Transportation Services did not highlight a requirement for street lighting. A private sewerage treatment plant is proposed.

bb) Strongly urge that South Lanarkshire Council considers redeveloping the derelict buildings that already exist in South Lanarkshire rather than approving new houses. Or if new houses must be built, to consider building in new areas rather than on top of existing properties.

Response: The identification of this site has been carefully considered through the Local Plan process.

cc) Noise and traffic pollution could rise dramatically and the loss of natural habitat for wild animals.

Response: Noise complaints are dealt with by Environmental Services through separate legislative controls. This is not an air quality zone and due to the low density, open nature of the area surrounded by countryside traffic fumes can be easily dispersed. Other than some mature trees most of the site comprises agricultural grazing land not considered to be an optimal habitat for wildlife.

dd) The site in question is a central location that contributes significantly towards the unique landscape character of Kersewell.

Response: The proposal represents an appropriate rounding off / infilling of development opportunities at Kersewell, on a site which has been considered suitable for housing through the Local Plan process.

ee) It has become clear that once permission has been granted, there are no repercussions for when conditions are breached.

Response: If a breach of condition is brought to the attention of Planning then enforcement action procedures will be initiated.

ff) Now that the restrictions of COVID 19 are being gradually removed it is requested that any planning meeting to consider this issue is delayed until the public can attend to express their concern.

Response: Members of the public are only able to address the Committee if attending as representatives at a hearing, however, as stated at paragraph 2.2 on the front page of this report, a request for a pre-determination hearing has been received in relation to this application which has been declined as it does not accord with the Council's guidance on hearings. Meetings of the Committee are livestreamed and the proceedings can be viewed on-line via the Council website.

- gg) **Given the location and the road that serves it a line has to be drawn on future development without the most careful consideration.**
Response: Unless the full length of Kersewell Avenue is upgraded to an adoptable standard road I would agree that capacity for additional housing development, beyond consented sites and those identified as housing sites on the Local Plan proposal map, has now been reached.
- hh) **Building works can be expected to go on for many years and South Lanarkshire Council Planning permission only requires the developer to repair the damage they caused once they finish building.**
Response: The condition has been revised so that repair work will be required every year if construction work exceeds 1 year.
- ii) **South Lanarkshire Council need to reconsider their planning permission conditions.**
Response: Conditions attached to the previous Planning Permission CL/13/0488 have been revised and updated where appropriate whilst conditions have been added to take account of current Local Plan policy/guidance and environmental considerations.
- jj) **South Lanarkshire Council need to work along with residents to carry out a full risk assessment on the safety of this road and a traffic management scheme is put in place which will restrict access to 1 HGV on this farm track at a time.**
Response: The Council are fully aware of the issues relating to traffic movement along Kersewell Avenue through numerous representations received from local residents. Proposed conditions to be attached to a decision if consent is granted have been carefully worded to ensure that safety concerns are satisfactorily addressed. The traffic management condition requires a programme indicating the phasing of construction of development, together with a Traffic Management Plan indicating the circulation of vehicles and pedestrians and how the road and services will be managed and delivered for the development.
- kk) **The majority of residents have purchased their homes for the views and now these views are going to be built over.**
Response: The rights to a view are not a relevant planning matter.
- ll) **Each plot would have to accommodate and manage parking for the builders and delivery of building supplies.**
Response: If consent is granted a condition will be attached requiring the creation of a parking area for construction traffic within the application site boundary.
- mm) **Residents moved here because they wanted to live in a hamlet, not a town. It does not feel right that residents are sold properties and then have that taken away.**
Response: Even with the development of the application site, which is identified as being suitable for housing through the local plan process, Kersewell will still retain the characteristics of a small rural settlement.
- nn) **There are a number of mature trees in the area which would require felling to accommodate development. Many of these are a significant age, dead or dying – these trees provide an important habitat for invertebrates, birds and possibly bats.**

Response: There are several individual trees of an advanced maturity, in various isolated locations within the field and were possibly originally planted as a parkland feature associated with Bertram House – these trees are now showing signs of decline. Six trees will be removed to accommodate the development whilst three will be retained. Tree loss will be compensated by proposed tree planting around the site periphery, within amenity space and along the internal access road frontages. Conditions will be attached to protect retained trees. In recognition that the trees earmarked for removal could provide a habitat for wildlife, a condition will be attached stipulating the need for an ecological survey of the trees, prior to their removal, to identify wildlife species affected along with any necessary mitigation measures to minimise impacts or disturbance.

oo) Are there any Councillors on the Planning Committee representing constituents who will benefit from planning gain.

Response: This is not relevant to the planning assessment of the proposal.

pp) Annual repairs will only be effective for usage by cars and small vans but will likely be undone by the passage of large construction vehicles.

Response: This matter will be carefully monitored to ensure repairs are carried out to adequate standard.

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

6 Assessment and Conclusions

6.1 The determining issues in the consideration of this application are its compliance with the adopted South Lanarkshire Local Development Plan 2 (SLLDP2).

6.2 Under Policy 11 - Housing, the application site is identified as part of the housing land supply in the adopted SLLDP2 proposal's map and is included within the settlement boundary of Kersewell where Policy 3 – General Urban Areas and Settlements advises that residential developments on appropriate sites will generally be acceptable. The residential development of the site positively contributes towards the Council's requirement to maintain a five year effective supply of housing land provision. Furthermore, effective housing land within the settlement of Upper Braidwood meets the aims of Scottish Planning Policy by providing a sufficient and sustainable supply of housing within an existing residential area with access to services nearby. Policy 11 encourages a range of house sizes and types to give greater choice in meeting the needs of the local community whilst recognising demands of the wider housing market area. Although the application at this stage is for house plots, required further applications covering design and house type within each plot allows an opportunity for a reasonable range of styles and housing types. The proposal satisfactorily complies with the aims of Policies 3 – General Urban Areas and settlements and 11- Housing of the adopted local development plan and therefore the principle of the proposed development is acceptable.

6.3 Policy 2 Climate Change seeks to minimise and mitigate against the effects of climate change by considering various criteria including: being sustainably located; reuse of vacant and derelict land; avoidance of flood risk areas; incorporating low and zero carbon generating technologies; opportunities for active travel routes and trips by public transport; electrical vehicle recharging infrastructure and where appropriate connection to heat networks. There is no flooding risk from water courses and surface water flow can be adequately contained by the implementation of the approved drainage plan. A landscaping plan has identified trees to be retained along with additional tree planting. Conditions have been attached requiring the submission and

approval of details for low carbon technology and electrical charging points. In consideration, the proposals would not undermine the objectives of policy 2.

- 6.4 Policy 5 - Development Management and Place Making, together with the Development Management and Placemaking Supplementary Guidance supports residential developments where they do not have a significant adverse effect on the amenity of the area. In addition, any new development must relate satisfactorily to adjacent and surrounding development in terms of scale, massing, materials, and intensity of use. The character and amenity of the area must not be impaired by reason of traffic generation, parking, overshadowing, overlooking or visual intrusion.
- 6.5 Kersewell comprises a series of building groups developed over a period of time. This includes several detached dwellings to the north and south of the site, a housing development completed over ten years ago by Muir Homes and former local authority housing a small distance to the north east. In addition, new housing in association with the conversion of the listed Bertram House has been granted on land to the east of the site while consent also exists for 8 dwellings immediately to the north. The site is bounded on three sides by existing development or that which already has planning consent. The proposed development would therefore consolidate the established development pattern in the locality. This is aided by the existing woodland backdrop to the site which further promotes visual integration and reduces the impact on the rural and landscape character of the surrounding area. In addition, views into the site from the wider area are limited. The site is accessed by an existing private road approximately 1km in length along which is a mixture of clusters of houses of varying age. As a totality these groups are reasonably well contained and do not relate visually to the application site or the existing wider development grouping at Kersewell. The site can accommodate an additional residential development of the scale proposed without affecting the setting or character of these building groups. The development will not appear out of place as it can successfully merge into its background due to the presence of mature trees and building groups centred around Bertram House. The site will face onto the junction with Bertram Avenue where there is a neighbourhood hub. The layout, orientation, amenity provision and landscaping is also satisfactory and the main elevations of houses will front onto the adjacent roads. Visual integration can be further enhanced by landscaping, tree and hedgerow planting along plot and site boundaries. Tall trees and mature woodland to the west and north provide a backdrop enabling a sense of containment. From the Medwin Valley to the south there are open aspects towards the site, however, from that distance the roofscape of the new development with associated landscaping will naturally merge into the mature woodland setting and nearby building groups, singularly dominated by Bertram House with its backdrop of extensive mixed woodland. The design of the proposed houses do not form part of this application, however, a condition would be added to any consent granted to require a detailed planning brief to be agreed with the Council. This will set parameters on building heights, plot ratios, design details and materials. Roads and Transportation Services have not raised any road safety issues affecting the development of the site subject to several conditions including ones covering improvements to Kersewell Avenue, traffic management, a dilapidation survey and the internal road layout of the development. In addition, no objections have been received from statutory consultees in terms of infrastructure provision and appropriate conditions will be used if consent is granted to cover these matters.
- 6.6 In view of the above, it is considered that the proposal would relate satisfactorily to adjacent development, and the character and amenity of the residential area would not be impaired by reason of traffic generation, parking, visual intrusion or physical impact. The proposal is therefore satisfactory in terms of Policy 5 - Development Management and Place Making of the adopted local development plan.

- 6.7 Policy 7 - Community Infrastructure Assessment states that 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. These contributions will be appropriately assessed, and developers will be required to ensure transparency in the financial viability of a development. In compliance with this the applicant has agreed to make financial contributions towards education and community facilities. Policy 12 - Affordable Housing states that 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, where there is a proven need. If on-site provision is not a viable option, the Council will consider off-site provision in 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. The Council's preference in this case is to seek a commuted sum in lieu of on site provision and this has been accepted by the applicant.
- 6.8 This application was deferred from the previous Planning Committee on 29 March 2022. The Planning Committee had raised issues about the deteriorating surface of the access road, the lack of an effective and co-ordinated maintenance regime, the capacity of Kersewell Avenue to deal with a significant increase in traffic without compromising public safety, and conditions attached to other planning permissions whereby a factoring scheme for future maintenance is placed on the title deeds of each new dwelling without ever being enforced.
- 6.9 Therefore, the application was deferred to enable time to consider these points and elaborate on findings in an updated report to be presented to the next available Committee. Planning and Roads after carefully assessing the situation are satisfied that proposed plots can be accommodated without adverse impacts upon road and public safety subject to carefully worded conditions. The following conditions summary for addressing these issues are as follows: 22- requires the submission of details for the upgrading of Kersewell Avenue to a sufficient standard to be approved and thereafter implemented before the occupation of any dwellings; 24 – submission for approval of traffic calming measures; 26 – a traffic management plan covering the safe movement of construction traffic and pedestrians; 29 – an independent survey to establish the condition of the access road and resurveyed every year during the construction phase to identify and repair damage attributable to vehicle usage associated with the development; 30 – requirement for a future maintenance scheme for Kersewell Avenue (following legal advice reference to a factoring scheme and inclusion into title deeds has been omitted because under current legislation this could not be effectively enforced) and 33 – requirement for wheel washing for construction traffic and road cleaning facilities. Another condition which duplicated the terms of condition 30 has been removed. The wording for the important condition 30 relating to future maintenance has been revised so that it is now unambiguous, clearer and allows for robust enforcement if future issues arise concerning alleged contravention. It is noted that maintenance and factoring requirements relative to previous developments accessed from Kersewell Avenue have in many instances been written into title deeds. Unfortunately, it appears that there is not an effective factoring and maintenance regime in place. The Council cannot become involved in private legal matters and the possibility of the Council making a referral to arbitration in respect of disputes over the maintenance of Kersewell Avenue has been considered. However, arbitration is a consensual, private and binding resolution of disputes outside the Court system and only parties to a dispute can competently refer a matter to arbitration. The Council therefore has no locus to make such a referral. In this regard the Council

would urge individual landowners to seek independent legal advice in relation to appropriate dispute resolution measures.

- 6.10 The concerns raised previously by members and local residents are noted, however, the site is located within the settlement boundary of Kersewell, is identified as a housing site and appropriate conditions have been attached to address these concerns, from a planning perspective. Kersewell Avenue is a private road serving a significant number of existing and proposed dwellings, therefore, other than the details contained within the current planning application, it is considered that no further dwellings accessed from Kersewell Avenue should be supported unless Kersewell Avenue has been upgraded to a public adoptable standard.
- 6.11 The proposals represent an appropriate form of residential development for the site, and it is, therefore, recommended that detailed planning consent be granted subject to the conditions listed. However, consent should be withheld until the conclusion of a Section 75 Obligation, or other appropriate agreement, to ensure the submission of the necessary financial contributions.

7 Reasons for Decision

- 7.1 The proposal has no adverse impact on visual or residential amenity and complies with Policies 2, 3, 5, 7, 11 and 12 of the adopted South Lanarkshire Local Development Plan 2.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 10 June 2022

Previous References

- ◆ CL/10/0457
- ◆ CL/13/0488
- ◆ P/19/0776 – Planning Committee (Special) – 29 March 2022

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 5 September 2019

►	Consultations	
	SEPA West Region	19.06.2019
	Scottish Water	20.06.2019
	Roads Development Management Team	13.09.2021
	Roads Flood Risk Management	05.07.2019
	Community and Enterprise Resources Play Provision Community Contributions	04.12.2019
	Education Resources School Modernisation Team	20.11.2019
	Housing Planning Consultations	10.12.2019
	West of Scotland Archaeology Service	01.07.2019
	Environmental Services	
►	Representations	Dated:
	Mr Steven Shon, 2 Finlayson Lane, Carnwath, Lanark, ML11 8TA	08.07.2019 08.07.2019
	Mark and Elly Newbold, 5 Finlayson Lane, Carnwath, Lanark, South Lanarkshire, ML11 8TA	24.09.2019 24.09.2019
	Mrs Claire Hardie, Craerae, Kersewell Avenue, Carnwath, Lanark, South Lanarkshire, ML11 8LE	07.07.2019 07.07.2019
	Mr Elliot Ferguson, Heron Rise, Access For Kersewell College From A70 To Kersewell Avenue, Carnwath, Lanark, South Lanarkshire, ML11 8LF	30.06.2019 30.06.2019
	Mr Gareth Waters, Broomhill Lodge, Access For Kersewell College From A70 To Kersewell Avenue, Carnwath, Lanark, South Lanarkshire, ML11 8LF	26.09.2019 26.09.2019
	Dr Christopher McDermott, Shiloah, Access For Kersewell College From A70 To Kersewell Avenue, Kersewell, Carnwath, Lanark, South Lanarkshire, ML11 8LF	16.09.2019 16.09.2019 16.09.2019
	Mrs K Lindsay, Woodlea, Access For Kersewell College From A70 To Kersewell Avenue, Carnwath, Lanark, ML11 8LF	07.07.2019 07.07.2019 07.07.2019
	Cherylwyn Stephenson And Barry McHardy, 1 Finlayson Lane, Carnwath, Lanark, South Lanarkshire, ML11 8TA	25.09.2019 25.09.2019
	Mrs Lesley Ferguson, Heron Rise, Access For Kersewell College From A70 To Kersewell Avenue, Carnwath Lanark, South Lanarkshire, ML11 8LF	30.06.2019
	Mr George Migklis, Heron Rise, Access For Kersewell College From A70 To Kersewell Avenue, Carnwath Lanark, South Lanarkshire, ML11 8LF	30.06.2019

Mrs Barbara Harding, 3 Kersewell Terrace, Carnwath, Lanark, South Lanarkshire, ML11 8TL	03.07.2019 03.07.2019
Mr David Wills, 15 Finlayson Lane, Carnwath, Lanark, South Lanarkshire, ML11 8TA	14.07.2019 18.05.2022
Miss L Thompson, Bertram House, Lanark, ML11 8TB	12.05.2021
Barry Clarke, 18 Bertram House, Bertram Avenue, Carnwath, Lanark, South Lanarkshire, ML11 8TB	25.05.2021
Mr Elliot Ferguson, Heron Rise, Lanark, ML11 8LF	21.06.2021
Mrs Lesley Ferguson, Heron Rise, Lanark, ML11 8LF	21.06.2021
David Wills, 15 Finlayson Lane, Carnwath, Lanark, South Lanarkshire, ML11 8TA	18.08.2021
Mrs Georgina Muir, 35 Woodside Crescent, Carnwath, Lanark, South Lanarkshire, ML11 8LD	03.07.2019
Mr Gary Waddell, 1 Bertram Avenue, Carnwath, Lanark, South Lanarkshire, ML11 8TB	03.07.2019
Mr Richard Clay, 5 Kersewell Terrace, Carnwath, Lanark, South Lanarkshire, ML11 8TL	07.07.2019
Emma Lake, 8 Kersewell Terrace, Carnwath, Lanark, South Lanarkshire, ML11 8TL	25.09.2019
Gary and Patricia Waddell, 1 Bertram Avenue, Kaimend, Carnwath, ML11	25.09.2019 25.09.2019
Scott And Lesley Sheridan, 9 Finlayson Lane, Kaimend, Carnwath, ML11 8TA	25.09.2019
David and Helen McMunn, 17 Finlayson Lane, Carnwath, Lanark, ML11 8TA	25.09.2019
Mr Steven Shon, 2 Finlayson Lane, Carnwath, Lanark, South Lanarkshire, ML11 8TA	09.09.2019
Scott and Lesley Sheridan, By Email	24.09.2019
Val and Grant Logan, By Email	24.09.2019
Jenny and David King, By Email	24.09.2019
Sandy and Jo Hutcheson, By Email	24.09.2019
Fiona Wallace and Brian Kerr, Flat 20, Bertram House, Bertram Avenue, Kaimend, Carnwath, ML11 8TB	01.10.2019

Mr Brian Lindsay, Woodlea, Kersewell Avenue, Carnwath , Lanark, ML11 8LF	25.09.2019 25.09.2019
Karen and Murray Flett, 7 Kersewell Terrace, Carnwath, Lanark, South Lanarkshire, ML11 8TL	01.10.2019
Paul and Lynne Walker, 3 Warrack Close, Carnwath, Lanark, South Lanarkshire, ML11 8TD	01.10.2019
Miss Lauren Thompson, 22 Bertram House, Bertram Avenue, Lanark, ML11 8TB	09.09.2020 09.09.2020
Mrs Angela Murray, 1 Kerswell Terrace, Kaimend, ML11 8TL	26.04.2021
Mr Paul Cruickshank, 19 Kersewell Avenue, Kaimend, ML11 8LE	30.05.2021
Mr Christopher Chittock, Fairview, Kersewell Ave., Kaimend Carnwath, ML11 8LB	02.06.2021
Mr David Murray, 1 Kersewell Terrace, Kaimend, Carnwath, ML11 8TL	07.05.2021
Mr Alex Muir, 35 Woodside Crescent, Carnwath, Lanark, ML11 8LD	10.05.2021
Mr David Wills, 15 Finlayson Lane, Kaimend, ML11 8TA	12.05.2021
Mr Gareth Waters, Broomhill Lodge Kersewell Avenue Kaimend, Lanark, ML11 8LF	31.05.2021
Dr Professor Christopher McDermott, Shiloah, Kersewell, ML118LF	27.04.2021
Mrs Claire Hardie, Crarae, Kersewell Avenue, Carnwath, ML11 8LE	30.05.2021
Barbara Harding, Received Via Email	07.05.2021
Brian Lindsay, Received Via Email	22.07.2021

Contact for further information

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

Ian Hamilton, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455174

Email: ian.hamilton@southlanarkshire.gov.uk

Conditions and reasons

01. That further applications shall be submitted to the Council as Planning Authority for the erection of individual dwellinghouses on the plots hereby approved, together with the requisite detailed plans and such plans shall include:-
- (a) Plans, sections and elevations of the proposed building together with the colour and type of materials to be used externally on walls and roof;
 - (b) Sections through the site, existing and proposed ground levels and finished floor levels;
 - (c) Detailed layout of the site as a whole including, where necessary, provision for car parking, details of access and details of all fences, walls, hedges or other boundary treatments; and,
 - (d) Existing trees to be retained and planting to be carried out within the site; and no work on the site shall be commenced until the permission of the Council as Planning Authority has been granted for the proposals, or such other proposals as may be acceptable.

Reason: To ensure that these matters are given full consideration.

02. 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.

03. 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 and the root system of neighbouring trees which encroach into the application site, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Council as Planning Authority. Specific issues to be dealt with in the TPP and AMS:
- a) Location and installation of services/ utilities/ drainage.
 - b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
 - c) Details of construction within the RPA or that may impact on the retained trees.
 - d) A full specification for the installation of boundary treatment works.
 - e) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
 - f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
 - g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
 - h) A specification for scaffolding and ground protection within tree protection zones.

- i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
- k) Boundary treatments within the RPA
- l) Methodology and detailed assessment of root pruning
- m) Arboricultural supervision and inspection by a suitably qualified tree specialist
- n) Reporting of inspection and supervision
- o) Methods to improve the rooting environment for retained and proposed trees and landscaping
- p) Veteran and ancient tree protection and management.

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

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

04. Prior to the commencement of the development hereby approved, whichever is the sooner; full details of a tree planting scheme to replace trees to be removed to accommodate the development along with additional tree planting within the area shaded green on the Proposed Site Plan (Dr no: PL(00)004 Rev B), shall be submitted to and approved in writing by the Council as Planning Authority. This will include planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times.

Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works or five years of the carrying out of the tree planting scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

Reason: To enhance the natural heritage of the area.

05. That the approved tree planting shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following the 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.

06. That before any work commences on the site, a scheme of landscaping for the area shaded green on the approved plans 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.

07. 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.

08. That before any work commences on the site, a scheme for the provision of an 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.

09. 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 08 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.

10. The trees identified for removal shall be surveyed by a qualified ecologist to identify any species of wildlife affected and thereafter submit a survey report containing mitigation measures where required for approval of the Council as Planning Authority prior to any tree works taking place or the commencement of work on the approved development.

Reason: In order to minimise the impact upon wildlife.

11. That no dwellinghouses shall be occupied until the developer provides a written agreement from Scottish Water that the site can be served by a water scheme constructed to the specification and satisfaction of Scottish Water as the Water Authority.

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

12. That the approved drainage scheme shall be completed in accordance with the approved details prior to the commencement of work on any dwellings unless otherwise agreed in writing and prior to the occupation of any dwellings appendix E 'Confirmation of Future Maintenance of Sustainable Drainage Apparatus' of the

Council's Developer Design Guidance (May 2020) shall be submitted for approval by the Council as the Planning and Flooding Authority.

Reason: To ensure the timeous provision of a satisfactory drainage scheme.

13. That before any works start on site details of the treatment of foul drainage from the site shall be submitted for the consideration and approval of the Council as Planning Authority in consultation with SEPA. For the avoidance of doubt the scheme shall be capable of dealing with a population of a minimum of 200 persons. In addition evidence of agreement with adjoining landowners to discharge to the receiving watercourse shall be provided. The approved scheme shall be implemented before any of the dwellinghouses hereby approved are occupied.

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

14. That prior to work commencing on site a maintenance management scheme for the sewerage disposal scheme approved under condition 13 shall submitted to and approved by the Council as Planning Authority.

Reason: To ensure appropriate treatment and disposal of sewage effluent and surface water.

15. That the developer shall arrange for any alteration, deviation or reinstatement of statutory undertakers apparatus necessitated by this proposal all at his or her own expense.

Reason: In order to retain effective planning control.

16. That prior to the commencement of development, the applicant shall provide written confirmation from Scottish Water that the development does not affect their assets and if it does the applicant shall submit details for a diversion/relocation scheme approved by Scottish Water and that development shall not commence until the approved diversion/relocation scheme has been satisfactorily implemented.

Reason: To ensure that the development does not impact upon Scottish Water assets.

17. That all areas potentially affected by the proposed development shall be carefully surveyed by a suitably qualified person for badgers. If badgers are found to be in or around the development site, mitigation measures for their protection shall be put in place.

Reason: In order to ensure the protection of badgers.

18. That no permission is granted for the indicative house footprints as outlined on the approved site plan.

Reason: The house details have not been submitted or approved.

19. That no development shall commence on site until the applicant provides written confirmation from SEPA to the Council as Planning Authority that the site can comply with the Water Environment (Controlled Activities)(Scotland) Regulations 2005.

Reason: To ensure appropriate treatment and disposal of sewage effluent and surface water.

20. That the further application(s) required under the terms of Condition 01, shall make reference to and incorporate the criteria specified within the approved South Lanarkshire Council 'Residential Design Guide'.

Reason: In the interests of amenity and to ensure that the Council's key residential design standards are met.

21. That before the submission of any planning application for dwellinghouses on any of the plots hereby approved, a Development Brief shall be submitted to, and approved in writing by the Council as Planning Authority.

Reason: To ensure the future appropriate development of the site.

22. That unless otherwise agreed by the Council as Planning Authority before any development starts on site plans showing the upgrade of the existing access road (Kersewell Avenue) incorporating the upgrading of existing passing places and the formation of additional passing places (both to incorporate pedestrian refuges) and the provision of additional signage shall be submitted for the approval of the Council as Planning Authority. The approved details shall be implemented to the satisfaction of the Council before any of the houses hereby approved are occupied.

Reason: In the interest of road safety.

23. That before the development hereby approved is completed or brought into use, 1 no. parking space for 1-2 bedroom dwellings, 2 no. parking spaces for 3 bedrooms and for 4 or more bedrooms 3 no parking spaces (all individual parking spaces to be 3.0m x 6.0 modules) shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.

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

24. Prior to commencement of development on site details of traffic calming measures shall be submitted for the approval of the Council as Planning and Roads Authority.

Reason: In the interest of road safety.

25. Prior to the commencement of development on site details of grit bin locations shall be submitted for the approval of the Council as Planning and Roads Authority.

Reason: These details have not been submitted.

26. That prior to any work starting on site, a programme indicating the phasing of construction of development, together with a Traffic Management Plan indicating the circulation of vehicles and pedestrians and how the road and services will be managed and delivered for the development as a whole prior to house construction commencing, shall be submitted to the Council as Planning Authority for approval. The approved details shall be implemented throughout the period of the development of the site.

Reason: In the interests of road safety.

27. That before the development hereby approved is completed or brought into use, a visibility splay of 2.5 metres by 90 metres measured from the road channel shall be provided on both sides at the junction of the access road with Kersewell Avenue and everything exceeding 0.9 metres in height above the road channel level shall be

removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of traffic and public safety.

28. An area for staff to park during construction should be created within the application site boundary and under no circumstance shall vehicles associated with the construction site park outwith the application site boundary unless otherwise agreed in writing by the Council as Planning and Roads Authority.

Reason: In the interests of road safety and to ensure traffic flow is not disrupted and local residents inconvenienced.

29. Prior to the commencement of development a delivery route shall be submitted and approved by the Council. A road survey shall be undertaken by an independent consultant to establish the condition of the private road and any structures that form Kersewell Avenue. A final road survey shall be undertaken within 1 month of the completion of each dwellinghouse hereby approved or if the construction phase takes longer than one year then a survey of the road condition shall be undertaken every year construction works are undertaken and shall include recommendations in respect of the requirements for any repairs to Kersewell Avenue. Any damage to Kersewell Avenue identified by the independent consultant as being attributable to the construction vehicles or traffic arising from the development hereby approved shall be repaired within three months of the completion of the final dwellinghouse, or every year if construction works exceed 1 year, unless otherwise agreed by the Council as Planning Authority. The initial and final road surveys shall be submitted for the consideration of the Council as Planning Authority.

Reason: In the interest of road safety.

30. That prior to the commencement of work on site written details of a scheme for the future maintenance of Kersewell Avenue, including associated verge, passing places and traffic calming shall be submitted for the written approval of the Planning Authority. The submitted scheme shall include a maintenance and management schedule and shall be implemented prior to the occupation of any dwelling within the development. Thereafter Kersewell Avenue shall be maintained in accordance with the approved details at all times.

Reason: To ensure that the additional dwellings contribute to the maintenance of Kersewell Avenue.

31. That before any of the dwellinghouses hereby approved are occupied, a drainage system capable of preventing any flow of water from the site onto any road or neighbouring land, or into the site from surrounding land shall be provided and maintained to the satisfaction of the Council as Roads and Planning Authority.

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

32. The developer shall ensure that any vehicle transporting excavated material on or off the site must be treated by means of adequate wheel washing facilities. The facility will require to be in operation at all times during earth moving operations. The wheel washing facility shall be fully operational prior to works commencing on site. A "clean zone" shall be maintained between the end of the wheel wash facility and the public road. Furthermore the developer shall ensure a road brush motor is made available

throughout the construction period to ensure adjacent roads are kept clear of mud and debris.

Reason: In the interests of road safety.

33. That before the development hereby approved is completed or brought into use, the first two metres of the driveways shall be so trapped and finished in hardstanding as to prevent any surface water or deleterious material from running onto or entering the road.

Reason: In the interests of traffic safety and to prevent deleterious material being carried onto the road.

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

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

35. 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.

36. 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.

37. 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.

38. That prior to the commencement of works, details and locations of charging points for electrical cars, at a rate of one charging point per house plot, shall be submitted for the written approval of the Council as Planning Authority. Prior to the completion of the development the approved charging points shall be installed, available for use and thereafter maintained and replaced where necessary to the satisfaction of the Council.

Reason: To ensure facilities for recharging electrical cars are available for the use of the residents.

39. Prior to the commencement of development on site, an energy statement covering the new build element of the approved development which demonstrates that on-site zero and low carbon energy technologies contribute at least an extra 10% reduction in CO2 emissions beyond the 2007 building regulations carbon dioxide emissions standard, shall be submitted to and approved in writing by the Council as Planning Authority. The statement shall include:

a) the total predicted energy requirements and CO2 emissions of the development, clearly illustrating the additional 10% reduction beyond the 2007 building regulations CO2 standard;

b) a schedule of proposed on-site zero and low carbon energy technologies to be included in the development and their respective energy contributions and carbon savings;

c) an indication of the location and design of the on-site energy technologies; and

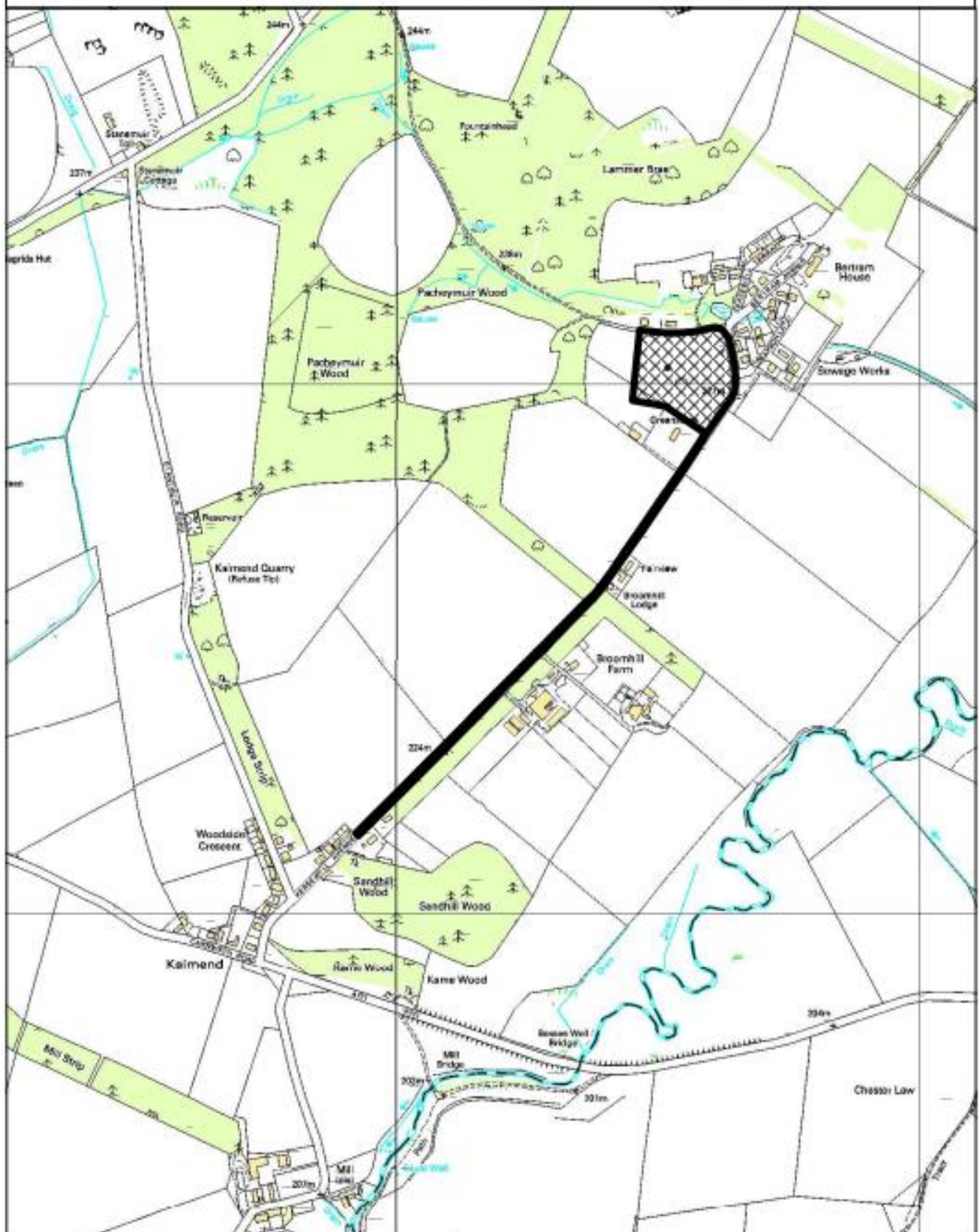
d) a maintenance programme for the on-site zero and low carbon energy technologies to be incorporated.

Reason: To secure a reduction in carbon dioxide emissions.

40. The approved on-site zero and low carbon energy technologies shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter be maintained and shall remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the Council as Planning Authority.

Reason: To secure the timeous implementation of on-site zero and low carbon energy technologies.

Land 130M North of Greenacres access for Kersewill College from A70 to Kersewill Avenue



**SOUTH
LANARKSHIRE
COUNCIL**

South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

5

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

Application no.	P/22/0148
Planning proposal:	Erection of 15no. dwellings with associated access, parking and landscaping

1. Summary application information

Application type:	Detailed planning application
Applicant:	Scott Homes (Builders) Ltd
Location:	Site of Former Laburnum House Laburnum Avenue 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: David Ritchie
- ◆ Council Area/Ward: 06 East Kilbride South
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (adopted 2021) (SLLDP2)**
Policy 1: Spatial Strategy
Policy 2: Climate Change
Policy 3: General Urban Areas and Settlements
Policy 5: Development Management and Placemaking
DM1: New Development Design
DM7: Demolition and Redevelopment for Residential Use
DM15: Water Supply
DM16: Foul Drainage and Sewerage
Policy 11: Housing
Policy 12: Affordable Housing

Policy 15: Travel and Transport
SDCC4: Sustainable Transport
Policy 16: Water Environment and Flooding
SDCC2: Flood Risk

◆ **Representation(s):**

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

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Roads Flood Risk Management

Scottish Water

SP Energy Network

Estates Services - Housing and Technical Resources

Planning Application Report

1. Application Site

- 1.1. The site is located within an established residential area within the Greenhills area of East Kilbride. It comprises some 0.5ha and slopes steeply from north to south where it is generally level at Walnut Grove. It is currently a disused vacant site, having previously been occupied by an old hostel which was demolished in 2008. The site currently features a rough grassed area and hardstanding. It is bound by a row of terraced houses to the north at Laburnum Court. To the west, Laburnum Avenue runs north-south, with properties adjacent. Walnut Grove bounds the site to the south and Walnut Close to east. To the south there is a large care home facility. Footpath connections surround the edges to the north and east of the site. Stroud Road runs east to west further south of the site, and Greenhills Sport Centre is located to the south-east.

2. Proposal(s)

- 2.1. Detailed planning permission is sought for the erection of 15 dwellinghouses, and associated access and landscaping at the site of the former Laburnum House, Laburnum Avenue, East Kilbride. The proposal would comprise 15 houses (3 detached units and 12 semi-detached units) laid out in a linear arrangement, with 8 semi-detached units (Plots 1-8) positioned running horizontally along the southern side of the plot, and the remaining 7 units (Plots 9-15) laid out in the same east-west position to the north side of the site. The houses would be of a modern and townhouse style, comprising 2 and 3 storeys built into the slope of the ground. Three house types are proposed in the mix as follows:-

- ◆ **House Type A:** 3-bed, 2 storey, semi-detached units featuring front projecting gables and canopies above entrances. Located at Plots 1-8.
- ◆ **House Type B:** 3-bed, 3 storey, semi-detached units built into the slope featuring ground floor level garages and dormers. Located at Plots 10-13.
- ◆ **House Type C:** 4-bed, 2 storey, detached units featuring integrated garages and canopies above entrance. Located at Plots 9, 14 and 15.

- 2.2. Finishing materials across all house types are to include grey concrete roof tiles, buff coloured render and brick wall finishes, white uPVC windows and grey doors, with uPVC rainwater goods.
- 2.3. Access would be obtained from Walnut Grove and continue through the site in a westerly direction, with a turning head located at the north-west of the site adjacent to Plot 9. Footpaths are provided throughout the site along the access road, and parking for 33 spaces is proposed. Each property would be served by its own driveway and rear garden separated by 2m high boundary fences. In terms of servicing, the site is proposed to connect to the public water supply. Proposed landscaping includes grassed pocket areas at the site entrance, and western side of the site.

3. Background

3.1. Local Plan Status

- 3.1.1. In terms of local plan policy, the site is located within the East Kilbride settlement in the adopted South Lanarkshire Local Development Plan 2. The application site and associated proposal is affected by Policy 1: Spatial Strategy, Policy 2: Climate Change, Policy 3: General Urban Areas and Settlements, Policy 5: Development Management and Placemaking, Policy 11: Housing, Policy 12: Affordable Housing, Policy 15: Travel and Transport, and Policy 16: Water Environment and Flooding as well as associated detailed development management and sustainable development policies. The content and aims of these policies is discussed in section 6 of this report.

3.2. **Relevant Government Advice/Policy**

- 3.2.1. In terms of government guidance, Section 25 of the Town and Country Planning (Scotland) Act 1997 states that the determination of a planning application shall be in accordance with the development plan unless material considerations indicate otherwise.
- 3.2.2. Scottish Planning Policy (SPP) advises that a generous supply of land should be provided to meet identified housing needs. SPP also introduces a presumption in favour of development that contributes to sustainable development. However, it advises that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained and the presumption in favour of development that contributes to sustainable development will be a material consideration.

3.3. **Planning Background**

- 3.3.1. In terms of planning history, the site previously benefitted from permission in 2007, under reference number EK/07/0608 for the development of 15 houses also. This application seeks a similar proposal with updated house types. The consent has long expired, however, the building was demolished, and no development was implemented due to economic downturn at the time.

4. **Consultation(s)**

- 4.1. **Roads Development Management Team** – raise no objection to the proposal subject to standard conditions relating to visibility, access, connectivity, parking, and drainage being attached to any permission granted.

Response: Noted, and conditions applied.

- 4.2. **Environmental Services** – raise no objection to the proposal.

Response: Noted.

- 4.3. **Roads Flood Risk Management** - raise no objection to the proposal subject to standard conditions relating to flood risk and sustainable drainage being attached to any permission granted. This service advises that there is no identified flood risk on SEPA flood maps, however, it is normal practice to request a flood risk assessment for this scale of development in terms of flooding policy. Developer Guidance has been provided to the agent in relation to this.

Response: Noted, and conditions applied.

- 4.4. **Scottish Water** - note that there is sufficient capacity within the Dear Water Treatment Works and Philipshill Waste-Water Treatment Works to service the development in terms of public water supply and foul drainage. Scottish Water has advised of potential conflicts with existing infrastructure at this site and advise that the applicant/developer submits an Asset Impact Application for approval. This is a separate regulatory service controlled by Scottish Water.

Response: Noted.

- 4.5. **SP Energy Network** - raise no objection to the proposal in principle, noting that there are underground cables in the vicinity of the proposal.

Response: Noted.

- 4.6. **Estates Services - Housing and Technical Resources** - raise no objection to the proposal.

Response: Noted.

5. Representation(s)

- 5.1. Statutory neighbour notification and advertisement was undertaken in respect of this application and no letters of representation have been received as a result of this publicity.

6. Assessment and Conclusions

- 6.1. Full planning permission is sought for the erection of 15 dwellinghouses at the site of the former Laburnum House, East Kilbride. The main issues to be addressed in the determination of this application includes the acceptability in principle of the development, the layout, siting and design of the proposed scheme, and an assessment of technical matters. The policies contained within the South Lanarkshire Council Local Development Plan 2 are the main consideration in this case, together with an assessment of any material planning considerations.
- 6.2. In terms of a spatial strategy, Policy 1 of the SLLDP2 directs larger developments to sustainable urban locations, and together with Policy 11 seeks to ensure that there is an effective and mixed housing land supply. Policy 3 states that residential developments within urban areas and settlements will generally be acceptable, and Policy 5 sets out design criteria required to deliver successful places.
- 6.3. As the site is located within the East Kilbride settlement, within the established residential area of Greenhills, on a former developed site, it is considered to satisfy the sustainable development requirements for residential developments outlined in these policies. It is well located in terms of access, connectivity and amenity provisions in terms of local network and retail centres which are within relatively close proximity, contributing to an accessible and sustainable site. Furthermore, although currently vacant, as the site was previously developed land it is considered appropriate reuse of the site lending itself to a small extension of the existing residential settlement.
- 6.4. Therefore, overall, the principle of development is considered to be in compliance with the aforementioned policies. The housing mix of 3 and 4-bedroom semi and detached units, as discussed further below, is suitable for this location and small-scale site, without resulting in overdevelopment or increased pressures on infrastructure in accordance with Policies 1, 2, 3, 5 and 11.
- 6.5. There are no affordable housing requirements in this instance as the proposal falls below the threshold of 20 units to seek contributions towards this, as outlined in Policy 12. Similarly, no community infrastructure obligations are required for this development due to the small-scale nature. Overall, it is considered that the proposal is acceptable in principle as it would successfully develop out a previous brownfield site with no significant adverse impact on infrastructure and amenities.
- 6.6. Together the policies above set out criteria which must be met to ensure that the proposal contributes, in a positive manner, to the quality of the surrounding built and natural environment, its character and appearance. This includes that the development is appropriate in its siting, layout and density, and responds to this in terms of design and scale. Patterns of development and surrounding amenity should be respected. In particular, Policy DM1 seeks to promote quality and sustainability and ensure that all new developments meet the six qualities of a successful place, including being distinctive whilst respecting the local identity and creating a sense of place; being safe and pleasant; welcoming; adaptable; efficient and well connected.

In terms of the redevelopment of the site, this has lay vacant for a considerable period, therefore under Policy DM7 the main considerations are that the proposal does not result in overdevelopment of the site, has no detrimental amenity impacts, and reflects the surrounding area with no negative affect on neighbouring properties.

- 6.7. Overall, the development is relatively small scale, and can be adequately accommodated within the site area and level changes. It would infill a modest sized area and appear as a continuation of the settlement. The proposed layout responds to the topography of the site with 3 storey house types built into the slope. This reduces the massing and any overbearing impact. The linear layout is reflective of the adjacent terraced properties in the wider area and achieves a suitable access arrangement and orientation of properties fronting onto internal roads with rear garden grounds.
- 6.8. The individual house types and mix utilise quality material finishes which reflect the design of a nearby development. The use of canopies, front facing gables, garages, and a material mix further reduces any massing on individual or semi-detached units and this is considered appropriate as it offers quality appearance and mitigates any adverse visual impact. As the site has been vacant for so long, a degree of visual impact is inevitable, however, through the carefully considered site levels, house types and orientation this is not considered to be significant enough to warrant refusal in this instance, and the house types are a modern improvement on the previously approved houses at this site. The breakup within the plot layout comprising detached units and semi-detached units offers a suitable mix of smaller units with sufficient garden ground provision.
- 6.9. There would be no significant negative impact on neighbouring amenity arising from this proposal. The proposed units are adequately separated from the adjacent properties by roads, or screened by fencing, and therefore any overlooking or loss of privacy would be minimal. Furthermore, the proposal would not affect sunlight/daylight afforded to such properties due to the separation distance, and as it would be built to the site levels it would not appear overbearing. As such, the proposal is considered to respect the character and amenity of the area.
- 6.10. In terms of landscaping, limited open space is provided within the site area, however, as the proposal is for a relatively small number of units which fit within the site, the level of open space is, on balance, deemed acceptable and hard and soft landscaping details will be requested via a condition attached to any permission granted.
- 6.11. In summary, the layout, siting and design of the proposed development is considered acceptable in compliance with the relevant policies in particular Policy 3, 5 and associated guidance.
- 6.12. Turning to technical matters, the proposed site can be adequately accessed and serviced in accordance with Policy 15 and SDCC4. The site is highly accessible and within proximity to active travel links as well as making provision for footpaths and connectivity throughout in line with DM1. Conditions relating to roads matters will be attached to any permission granted to ensure adequate servicing provision in the interests of sustainability and active travel.
- 6.13. Together Policies DM1, 16 and SDCC2 promote the use of sustainable urban drainage solutions. The development would appropriately connect to the public water supply and drainage network. Details of surface water discharge will be sought via condition to ensure this is delivered to a high quality and eco-friendly standard.

- 6.14. In terms of flood risk, the site lies out with any risk areas as identified on SEPA Flood Risk maps. Notwithstanding, as per Council Flooding Guidance, as the site is for development above 5 units, the Council's Flooding Team have requested a flood risk assessment as a condition of any permission granted.
- 6.15 Overall, it is considered that the site satisfies all technical matters, and further details can be controlled via conditions. Technical consultees raise no objections to the proposal and no direct concerns are considered to result from this development. The proposal satisfies Policies DM15, DM16, Policy 16 and SDCC2. Additionally, for the reasons outlined above, the site is considered to be sustainably located within the established settlement, thus complying with Policy 2 in terms of Climate Change.
- 6.16. In conclusion, it is considered that the application is acceptable as infill development of a previously developed vacant site. The proposed layout, siting and design is appropriate and addresses concerns of visual impact with no negative effect on surrounding amenity. All technical matters have been addressed through detailed consultation. The Planning Service therefore supports the application as it is compliant with the relevant policies contained within the South Lanarkshire Local Development Plan 2, and there are no material planning considerations which would warrant refusal in this instance. As such, the application is recommended for approval, subject to conditions.

7. Reasons for Decision

- 7.1. The application is appropriately sited and designed, with no negative amenity impacts, and can be adequately serviced in accordance with Policies 1, 3 and 5 and all other relevant technical policies of the South Lanarkshire Local Development Plan 2.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 9 June 2022

Previous references

- ◆ EK/07/0608

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 11 February 2022
- ▶ Press Advertisement, East Kilbride news dated 23 February 2022
- ▶ Consultations

Roads Development Management Team	21.02.2022
Environmental Services	21.02.2022
Roads Flood Risk Management	29.03.2022
Scottish Water	17.02.2022
SP Energy Network	15.02.2022
Estates Services - Housing and Technical Resources	11.02.2022

Contact for further information

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

Jane Weir, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 07795455502

Email: jane.weir@southlanarkshire.gov.uk

Conditions and reasons

01. No development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility of 2.5m x35m onto Walnut Grove has been provided in accordance with the Council's Standards for Road Construction Consent and Adoption. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays in accordance with the approved plans. Once formed, the visibility splays shall be permanently retained thereafter, and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

Reason: To enable drivers of vehicles using the access to have a clear view of other road users and pedestrians in the interests of road safety.

02. No dwellinghouse hereby approved shall be occupied unless its driveways, parking and turning area has been provided and fully paved in accordance with details to be submitted to and approved in writing by the Planning Authority. The maximum gradient of the new access road shall not exceed 8% gradient and driveway gradients shall not exceed 10%. Each access and driveway shall be internally drained and formed in such a way to prevent any flow of surface water either onto or from the public road. All works shall be undertaken to the satisfaction of the Roads Development Team. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the provision of a means of access to an adequate standard in the interests of road safety.

03. No development in connection with the permission hereby granted shall commence unless full details of the proposed public footway connections are provided, including external footway links. The footpaths shall be designed and constructed in accordance with the Council's Standards for Road Construction Consent and Adoption. Once agreed, the footpaths shall be provided in accordance with the agreed details prior to occupancy of the development and thereafter be permanently retained as such.

Reason: To ensure safe access for pedestrians and connectivity to the existing footpath network.

04. The development hereby approved shall not be brought into use unless the car parking has been provided in accordance with the Council's Car Parking Standards, with sufficient space provided for vehicles to turn and exit the site in a forward gear. For the avoidance of doubt, for 3-bed houses, 2 car parking spaces are required; for 4-bed houses, 3 car parking spaces are required, and spaces must measure 6m x 3m. Drainage channels should be provided at the ends of driveways to prevent surface water from spilling onto the public road. Once provided, the approved car parking shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the car parking to an appropriate standard and to ensure the retention of adequate off-street parking facilities and turning area within the site, all in the interests of road safety.

05. No dwellinghouse hereby approved shall be occupied unless an electric vehicle charging point has been provided at each property. Once provided, all electric vehicle charging points shall thereafter be permanently retained.
- Reason: To ensure provision of charging points and in the interests of sustainable travel.
06. No works in connection with the permission hereby granted shall commence unless a Construction Traffic Management Plan (CTMP) (including a routing plan for construction vehicles, staff parking details and wheel wash facility details) has been submitted to and approved in writing by the Planning Authority. Thereafter the approved Construction Traffic Management Plan shall be implemented prior to development commencing and remain in place until the development is complete. The development shall be carried out in accordance with the approved CTMP.
- Reason: In the interests of road safety and to avoid degradation of the road and bridge network.
07. Notwithstanding the details hereby approved, no development shall take place until details of proposed means of boundary treatment, enclosures, screening, walls and fences, paving and hard surfacing materials have been submitted to and approved in writing by the Planning Authority. All hard landscaping proposals shall thereafter be carried out in accordance with the approved scheme. Once provided, all landscaping works shall thereafter be permanently retained.
- Reason: To ensure that the scheme of landscaping for the proposed development is of a satisfactory standard relative to the functional requirements and visual amenity of the site and its setting in the locality as insufficient details of the proposed scheme of landscaping have been submitted with the application.
08. All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme to be submitted to and approved in writing by the Planning Authority. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.
- Reason: To ensure that the scheme of landscaping for the proposed development is satisfactorily maintained relative to the functional requirements and visual amenity of the site and its setting in the locality.
09. The proposed development shall be connected to the public water supply as indicated in the submitted application and shall not be connected to a private water supply without the separate express grant of planning permission by the Planning Authority.
- Reason: To ensure the long-term sustainability of the development and the safety and welfare of the occupants and visitors to the site.
10. Notwithstanding the development hereby approved, a Flood Risk Assessment shall be submitted to and approved in writing by the Planning Authority in consultation with the Council's Flood Risk Management Team. This shall be carried out in accordance with the guidance note provided. All flood risk mitigation works required in connection with the development hereby approved shall be carried out in complete accordance with the approved details and thereafter permanently retained as such.

Reason: In the interests of safety and sustainability.

11. Prior to works commencing on the site, the applicant shall submit and have approved in writing by the Planning Authority a Drainage Strategy, including full details of the existing/proposed run off rates, outfall details and all surface water and foul water drainage arrangements. For the avoidance of doubt, surface water runoff should be collected, treated, attenuated and discharged using sustainable drainage techniques. Once agreed, the development shall be carried out in full accordance with the approved details.

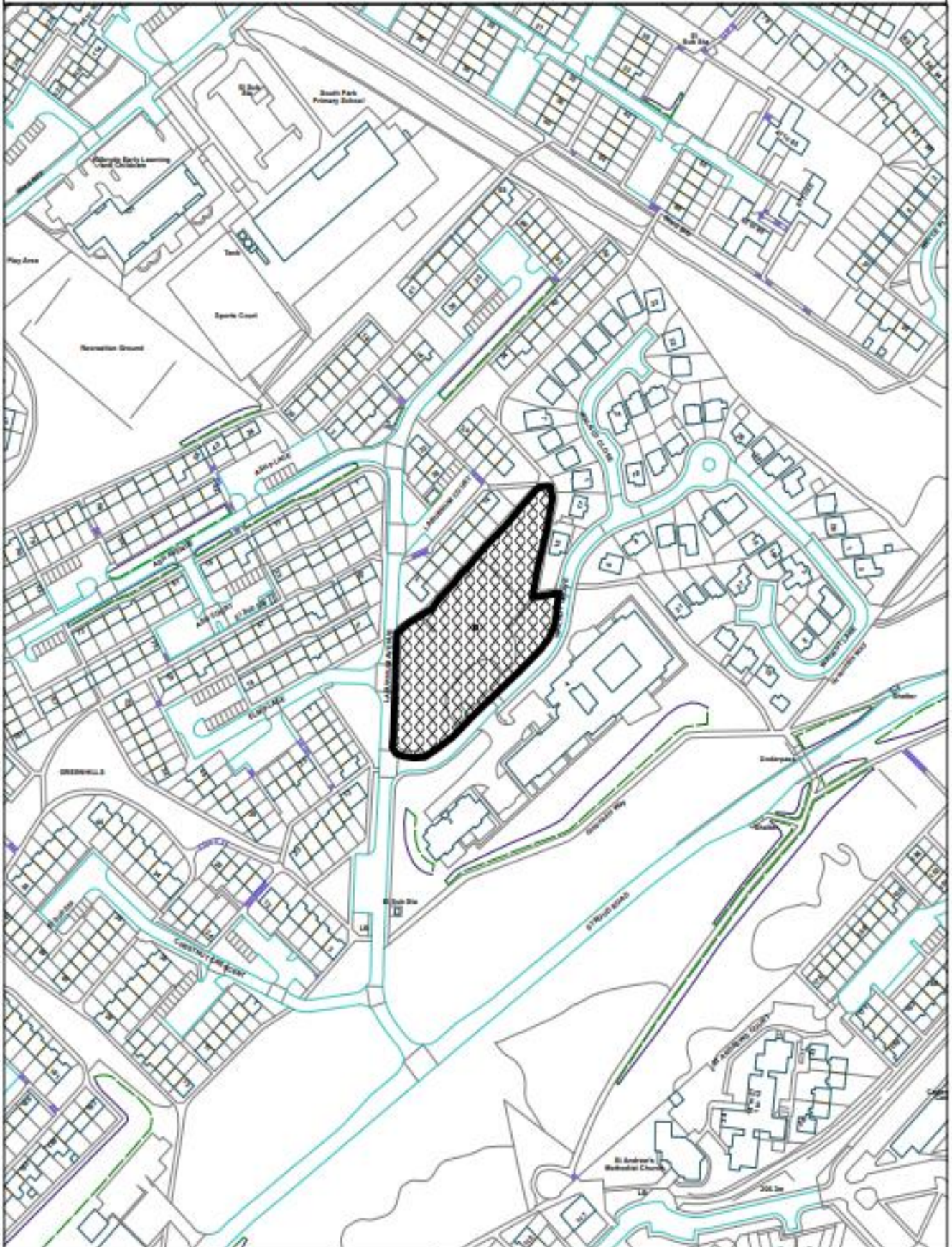
Reason: In order to ensure the proposed development does not increase surface water run-off and protects neighbouring properties from flooding.

12. Notwithstanding the development hereby approved, foul water drainage shall connect to the public network.

Reason: In the interests of adequate servicing of the site and sustainability.

P/22/0148

Site of Former Laburnum Avenue, EK



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Scale:
1:2,500
Date:
27/05/2022



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

6

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

Application no.	P/22/0089
Planning proposal:	Erection of two-storey side extension to existing attached garage to form enlarged garage with habitable rooms above.

1 Summary application information

Application type:	Householder
Applicant:	Mr Graeme Balmer
Location:	57 Royal Gardens Bothwell G71 8SY

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: Angus Design Associates
- ◆ Council Area/Ward: 16 Bothwell and Uddingston
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2**
Policy 2 - Climate Change
Policy 3 - General Urban Areas
Policy 5 - Development Management and Placemaking
Policy DM2 - House Extensions and Alterations

Representation(s):

▶	9	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

Consultation(s):

Roads Development Management Team

SEPA Flooding

Planning Application Report

1 Application Site

- 1.1 The application site is roughly rectangular in shape and extends to approximately 880 square metres in area. It is located at 57 Royal Gardens, Bothwell.
- 1.2 The site is located within an existing residential area and is bounded by the street, Royal Gardens, to the north and west, and other two-storey dwellings to the south and east. These dwellings are located between approximately 4 and 12 metres from the applicant's dwelling.
- 1.3 The topography of the site is largely flat, with Royal Gardens gradually sloping upwards to the east, resulting in a grass verge on the north boundary that gradually drops from the street level to the ground level of the site.
- 1.4 The application site is a corner plot and is therefore open to the street along its north boundary and most of its west boundary. The rear garden is enclosed by a brick wall along the west boundary, a neighbouring detached garage along the south boundary and a timber fence around the remainder.

2 Proposal(s)

- 2.1 The applicant seeks permission for the erection of a two-storey extension to an existing attached garage, to form an enlarged garage with habitable rooms above at 57 Royal Gardens, Bothwell. The extension will be located in the front garden of the property.
- 2.2 The proposed extension will project 4 metres from the north elevation of the existing garage and will measure 6.12 metres in width (to match the width of the existing garage). It will be situated approximately 3.4 metres away from the kerbside of Royal Gardens to the north.
- 2.3 The upper-floor extension will occupy/cover the footprint of the extended garage below. It will feature a hipped roof, measuring 5.23 metres in height to its eaves (matching the eaves height of the existing dwellinghouse) and 8.38 metres in height to its apex. It will feature two rooflights on the east-facing pitch of the roof.
- 2.4 A new garage door will be formed at ground level on the west elevation of the extension, while the west elevation of the upper floor will include two French doors with Juliet balconies. An additional window will be included on the upper level of the south elevation of the proposal.
- 2.5 The application site as existing features a driveway of sufficient size to accommodate four or more cars. This level of parking provision will be unaffected by the proposal and sufficient off-street parking availability will remain.

3 Background

3.1 Local Plan Status

- 3.1.1 With regard to the South Lanarkshire Local Development Plan 2, the site falls within the general urban area where Policy 3 – General Urban Areas applies. Policy 5 – Development Management and Placemaking, is also of relevance to the proposal. In addition, the proposal is to be assessed against Policy 2 – Climate Change and Policy DM2 – House Extensions and Alterations, both of which are relevant to the assessment of the application.

- 3.1.2 Policy 3 – General Urban Areas and Settlements states that proposals that are ancillary to residential areas will be assessed on their individual merits regarding their effect on the amenity and character of the area. It is considered that the proposed extension will have no significant adverse impact upon the amenity or character of the area and therefore complies with this policy.
- 3.1.3 Policy 5 – Development Management and Placemaking states that the Council should ensure that the proposal will not result in any significant adverse impact on nearby buildings or the streetscape by way of layout, scale, massing, design or external materials. It is considered that the scale of the proposal is appropriate for the size and positioning of the site, and that its overall design is sufficiently in-keeping with that of the residential development of which it is part.
- 3.1.4 Policy 5 also states that development should have no unacceptable adverse impacts by way of overshadowing, overlooking or any other loss of residential amenity. It is considered that the proposed extension will not result in any significant overlooking and that any increase in shadows generated will be minimal in comparison to the existing. As such the proposal complies with this policy.
- 3.1.5 Policy DM2 states that house extensions and alterations will be considered favourably where it can be demonstrated that the proposal complies with several criteria. The siting, scale and design of the proposal should respect the character of the existing dwelling and the wider area and should not dominate or overwhelm the existing dwellinghouse and streetscape. Furthermore, it should not significantly adversely affect adjacent properties in terms of overlooking or loss of privacy and daylight, and sufficient off-street parking and useable garden ground should remain. The proposal is considered to meet all of the above criteria and therefore comply with this policy.

3.2 **Relevant Government Advice/Policy**

- 3.2.1 Given the nature and scale of the proposed extension there is no specific government guidance relative to the determination of this application.

3.3 **Planning Background**

- 3.3.1 There are no records of any previous planning applications submitted for the site.

4 **Consultation(s)**

- 4.1 **Consult** – Roads Development Management Team

Response: Offer no objection and instead support the application. Consider the visibility splays and parking provision within the site to remain acceptable.

- 4.2 **Consult** – SEPA Flooding

Response: No adverse comments, referred to standing advice.

5 **Representation(s)**

- 5.1 Statutory neighbour notification was undertaken, and nine letters of objection were received from eight neighbouring proprietors. The grounds of the objections are summarised as follows: -

- a) **The proposed extension is above the “legal height” based on original development guidelines.**

Response: The height of the proposed extension is 8.38 metres to its apex and the maximum height of the existing dwellinghouse is 10.21 metres. The height of the proposed extension is less than that of the existing dwellinghouse. Legal matters are separate from the planning process and are not material in the consideration of a

planning application. Appropriate legal advice/action should be taken by the parties concerned.

b) The proposed extension represents a road safety hazard as it obscures the sight of traffic exiting the street.

Response: The Council's Roads Development Management Team were consulted on the application and offered no adverse comments in this regard. Indeed, they advised that the visibility splays remained acceptable and offered their support of the application.

Vehicles accessing/egressing the street at the appropriate speed will still have the necessary lines of sight to allow them to do so safely.

c) The proposal is visually incongruent with the rest of the housing development and is not in-keeping with neighboring properties.

Response: The imposition of a planning condition, should consent be granted, will ensure that the facing materials for the external walls and roof of the proposal shall match the materials of the existing dwellinghouse. Further to this, the proposed windows and garage doors will closely match those found on the existing dwellinghouse. The proposed extension is considered to reflect the character of the surrounding residential area.

In addition, there are two properties in close proximity to this site which have garages located to the front of the property and which also have accommodation above the garage. Whilst both are slightly smaller than the current proposal, there are similarities in terms of location, style and scale.

There are numerous examples of properties within Royal Gardens featuring habitable rooms above attached garages. While it is noted that many of these take the form of dormers rather than an entire additional floor, 39, 41 and 61 Royal Gardens feature habitable rooms above their attached garages. The proposed extension is considered to be visually appropriate for the estate and will not detract from the overall appearance or amenity of Royal Gardens.

d) No permission was granted for habitable rooms above garages as part of the original consent for this housing development.

Response: As noted above, many properties within Royal Gardens feature habitable rooms above attached garages, generally in the form of dormer windows. Indeed, almost every property with an attached garage features such habitable rooms above (with the application site in its existing form being an exception).

Again, as noted above, there are examples of full habitable rooms above attached garages within Royal Gardens. Examples can be found at 39, 41 and 61 Royal Gardens. As such, there is clearly an existing precedent for habitable rooms above attached garages

e) If approved, this would be the first application to grant permission for development/extension to the front of a dwelling and would set a precedent for similar proposals in the future.

Response: As previously mentioned, a two-storey extension located within a similar position (to the front/side of the original dwelling) is located at 33 Royal Gardens. This development was approved under application HM/06/0313. As such, the proposed extension would not be the first development/extension to the front of a dwelling in Royal Gardens and it could be argued that the precedent referred to has already been set by the extension at 33 Royal Gardens.

f) The proposal will adversely affect the visual quality/aesthetic of the wider estate.

Response: The proposed extension will not impact negatively on the visual quality of the wider housing development, by virtue of its materials matching those of the original dwellinghouse, and the design/appearance of the extension reflecting many aspects of the surrounding area.

As previously referred to, there are existing examples of both habitable rooms over garages and at least one example of a two-storey side extension on a corner plot within Royal Gardens.

If approved, the proposed extension will sit a similar distance away from the kerb/roadside as the existing extension at 33 Royal Gardens does. Notably, 57 Royal Gardens sits on a less elevated plot and therefore the visual impact of the two-storey extension would arguably be less than that of the extension at 33 Royal Gardens.

g) The proposal will create a visual barrier to the entrance of the nearby playpark and will reduce visibility of drivers approaching said playpark.

Response: The proposed extension will be situated over 50 metres away from the entrance to the playpark. Indeed, another dwellinghouse (47 Royal Gardens) is sited between the application site and the playpark and the playpark is located uphill from the proposal site.

The proposal will not act as a visual barrier to the entrance to the playpark. The sightlines of vehicles approaching the playpark will not be impacted upon by the proposed extension and there will be no safety implications for users of the park resulting from the proposal.

h) The height of the proposed extension is imposing/overbearing.

Response: The proposed extension will measure 8.38 metres in height to its apex, while the existing roof of the dwellinghouse measures 10.21 metres in height to its apex. The proposed roof is set sufficiently below the ridgeline of the existing house, and will not be overly imposing or overbearing at this location.

i) The upper-floor window of the extension will directly overlook the rear garden of 50 Royal Gardens

Response: The upper-floor windows of the proposed extension will be located over 20 metres away from the rear boundary fence of 50 Royal Gardens. As such, they will not permit a significant degree of overlooking or result in any unacceptable loss of privacy.

j) The proposal will significantly impact 55 Royal Gardens by way of overshadowing, overlooking, and overbearing as the result of a formation of a “fortress wall” along the side boundary between 57 and 55 Royal Gardens.

Response: All forms of development will generate a shadow of some description and therefore it is the extent and duration of shadow that is important. The proposal has been subject to a daylight/shadow assessment completed by a Planning Technician. The outcome of this assessment indicates that overall, there will be little-to-no increase in overshadowing of the front garden of 55 Royal Gardens.

Indeed, any overshadowing of said garden already occurs due to shadows cast by both the original dwellinghouse and the property at 55 Royal Gardens. The proposed extension will only result in a minimal increase of shadowing during the late evening of summer months, and even still this shadowing is limited to the front garden/elevation of the property. The impact is not considered to create a significant enough degree of overshadowing to warrant the application being refused.

The application site is within an established residential area and a degree of mutual overlooking is inevitable. There are no windows proposed for the elevation of the extension that faces onto 55 Royal Gardens, except for two rooflights. The proposed extension will not result in any significant overlooking or loss of privacy for 55 Royal Gardens.

Whilst such a blank elevation is in many cases not preferable, the inclusion of any regular windows on the south-east elevation (facing 55 Royal Gardens) would prove more problematic in terms of potential overlooking than the elevation as it is proposed.

In any case, the proposed extension will not significantly overbear 55 Royal Gardens. Indeed, the existing garage roof measures 6.5 metres in height, whilst the proposed will measure 8.38 metres in height.

k) The proposed Velux windows will significantly overlook 55 Royal Gardens and result in a significant loss of privacy.

Response: The proposed rooflights will be situated on the rear pitch of the roof of the extension, angled upwards. The floor to eaves height of the upper floor of the proposal will measure 2.4 metres, and the rooflights will be situated above this height. As such, the rooflights are located significantly above human eye-line and therefore are unlikely to cause unacceptable overlooking or loss of privacy.

l) The proposed extension will reduce visibility of vehicles exiting the driveway off 55 Royal Gardens and will create a blind spot with potential road safety implications.

Response: The proposed extension will be set-back 3.4 metres from the roadside of Royal Gardens to the north. Vehicles accessing/egressing the driveway of 55 Royal Gardens will still have appropriate sightlines to allow them to see approaching traffic and join the carriageway safely.

As previously mentioned, the Council's Roads Development Management Team were consulted on the application and raised no concerns in this regard.

m) The proposal represents an unacceptable overdevelopment of the application site.

Response: The proposed extension will have a footprint of 24.48 square metres. The application site has a rear garden of approximately 255 square metres in size, as well as a sizeable front garden/driveway.

Given that the total site area measures approximately 883.3 square metres and the total area occupied by the existing dwellinghouse, an existing rear pavilion and the proposed extension will measure approximately 223.48 metres combined, over 50% of the total site area will remain undeveloped. Therefore, the proposal would not result in overdevelopment of the site.

n) The proposal will significantly impact 33 Royal Gardens by way of loss of sunlight/overshadowing.

Response: As previously stated, all forms of development will generate a shadow of some description and therefore it is the extent and duration of shadow that is important. The proposal has been subject to a daylight/shadowing assessment completed by a Planning Technician. The study indicates that a small area of the front garden/grass verge along the southern boundary of 33 Royal Gardens will be overshadowed by the development during spring and autumn. During summer months (specifically June) the proposed extension will overshadow no part of 33 Royal Gardens.

Given the above and that none of the shadows will be cast over the dwelling itself or any of its windows, the proposal will not result in a significant enough loss of light for 33 Royal Gardens to constitute the application being refused. Any overshadowing of the rear garden of 33 Royal Gardens would likely already stem from the existing boundary wall.

- o) The submitted drawings are inaccurate and include several inconsistencies and errors, notably with regards to the existing and proposed roof heights. Amended drawings have done little to resolve these issues or to confirm their accuracy.**

Response: The agent has submitted revised drawings on several occasions, correcting small inconsistencies/errors and adding dimensions to ease assessment of the proposal. The agent has further confirmed that the drawings are fully accurate and that the measurements/dimensions were derived using laser measuring techniques.

The application is to be assessed on the basis that all the information and drawings provided are correct. Should the application be approved, approval is only granted for the proposal exactly as it is indicated on said drawings.

As such, further consent would be required if the proposal once erected differed from these approved drawings/sizes. Furthermore, suitable enforcement action could be taken in any such instance.

- p) The drawings present the proposal as being less impactful than it would be in reality.**

Response: The drawings contain the relevant information and dimensions required to accurately convey the size and appearance of the proposal in relation to the existing dwellinghouse, and the site/location overall. It is not possible for drawings/plans such as those submitted to fully convey the scale/impact of a proposal. However, the drawings/plans contain all the information required for the planning department to thoroughly assess the proposal and its potential impacts.

- q) The daylight/shadowing study is marked as “Not to Scale” and, if undertaken based on incorrect/inaccurate drawings, is itself not accurate and should not be used in the assessment of the application.**

Response: The shadow analysis is completed at a scale of 1:500. When the PDF file is created, it is generated to “fit to page” in relation to the shadows for clarity when viewing. As a result of this, the PDF plans no longer conform to the 1:500 scale.

The “Not to Scale” notation is simply to avoid errors should any attempt be made to take measurements from the plans included in the study.

The shadow analysis has been undertaken based on the submitted drawings. Should the plans have been altered, it would indeed have been necessary to redo the assessment. However, this is not the case in this instance.

- r) No other property within Royal Gardens is situated in as close proximity as 57 Royal Gardens will be with 55 Royal Gardens as a result of this extension.**

Response: As existing, the above two properties are situated approximately 4.2 metres away from each other at their closest points. The proposed extension will be located no closer to the dwellinghouse at 55 Royal Gardens than the existing dwelling at 57 Royal Gardens is currently.

Distances of between 3 and 6 metres between neighbouring dwellinghouses are not uncommon across Royal Gardens as a whole.

- s) **The original drawings submitted for the application were not dimensioned. The later-submitted dimensioned drawings do not contain measurement values that are directly comparable across drawings, making the drawings difficult to interpret/assess.**

Response: Whilst it is noted that the original drawings were not dimensioned, updated drawings were later submitted with dimensions included and the previous drawings superseded. The drawings contain an appropriate level of information regarding the sizes/dimensions of the proposal to allow it to be assessed by the planning department.

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

6 Assessment and Conclusions

- 6.1 The application site is located within a residential area, where policies 2, 3, 5 and DM2 are applicable. Collectively these policies seek to minimise and mitigate against the effects of climate change, 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.

- 6.2 It is considered that the proposed development raises no unacceptable issues from a development management perspective. In relation to Policies 3, 5 and DM2 of the South Lanarkshire Local Development Plan 2 it is noted that:-

- ◆ It is considered that the proposed two-storey extension will not have a negative impact on the visual quality and amenity of neighbouring properties and the local environment. The imposition of a planning condition, should consent be granted, will ensure that the facing materials for the external walls and roof of the proposal shall match the materials of the existing dwellinghouse.
- ◆ The application site and neighbouring properties are within an established residential area where a degree of mutual overlooking already occurs. Given the distances and position of the proposed extension and all neighbouring properties it is considered that the proposal will be within acceptable parameters and will not result in an unacceptable loss of privacy that would merit refusal of the application.
- ◆ Given the position of the existing dwellings and the proposed two-storey extension, along with the travel path of the sun, it is considered that there will not be a significant or unacceptable impact in terms of overshadowing/loss of sunlight.
- ◆ The application site is within an established residential area in which there is at least one other example of a similarly positioned two-storey extension, and numerous examples of habitable rooms above attached garages. Whilst the proposal is large and located in a prominent location, it is considered that the proposal would not be out of scale or have an overbearing impact at this location and is in keeping with the local context. In general, it is unlikely to have a significant adverse impact on residential or visual amenity.

- 6.3 Overall it is considered that the proposal will have no significant adverse impact upon residential or visual amenity in the local area and is generally in accordance with Policies 2, 3, 5, and DM2 of the South Lanarkshire Local Development Plan 2. The design, scale, and location of the proposal is acceptable in this instance and the granting of planning consent is therefore fully justified.

7 Reasons for Decision

- 7.1 The proposal will have no significant adverse impact on amenity, and it complies with the relevant policies of the adopted Local Development Plan 2 (Policies 2, 3, 5 and DM2). There are no other material considerations that would justify refusing planning permission.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 1 June 2022

Previous references

- ◆ HM/06/0313 - Erection of two storey side extension (*at 33 Royal Gardens*), Application Approved

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 28.01.2022
- ▶ Daylight/Shadow Study

- ▶ Consultations

Roads Development Management Team 18.02.2022

SEPA Flooding 27.01.2022

- ▶ Representations Dated:

Dr Barry McGhee, 33 Royal Gardens, Bothwell, Glasgow, G71 8SY 15.02.2022

Mr and Mrs H Thorburn, Received Via Email 23.02.2022

Mrs Ellen Lawrie, 55 Royal Gardens, Bothwell, Glasgow, G71 8SY 16.02.2022

Mrs Tracey Sunter, 47 Royal Gardens, Bothwell, G71 8SY 24.02.2022

Mr Malcolm Strang, 39 Royal Gardens, Bothwell, Glasgow, G71 8SY 11.05.2022
(2 objections submitted on same day)

Mrs Eleonore Ferguson, 41 Royal Gardens, Bothwell, Bothwell, G71 8SY 12.05.2022

Abdul Majid, By Email 16.05.2022

Mr Alan Scott, 43 Royal Gardens, Bothwell, G71 8SY 12.05.2022

Contact for further information

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

David Grant, Graduate Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455103

Email: david.grant@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/22/0089

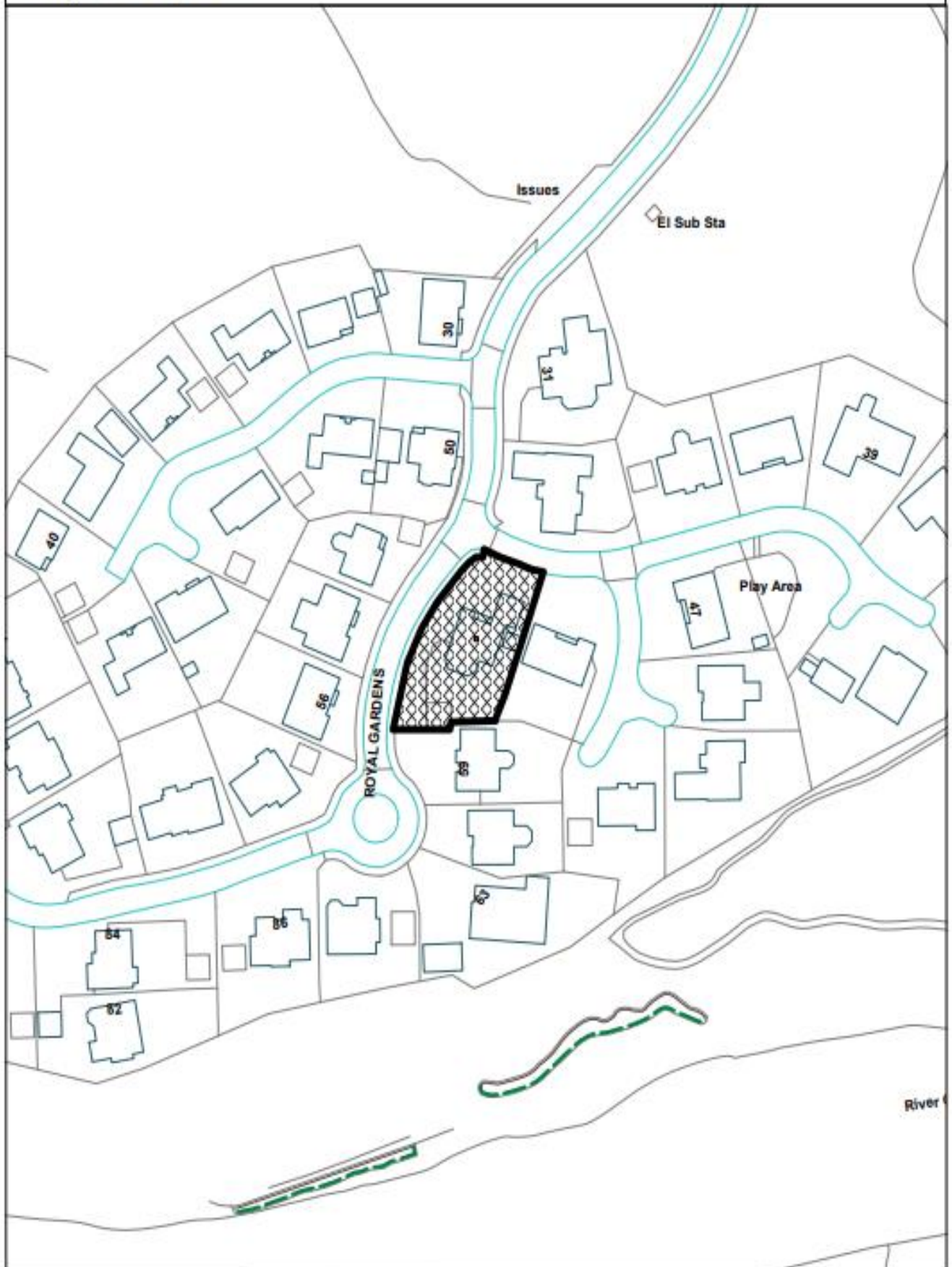
Conditions and reasons

01. That the facing materials to be used for the external walls and roof of the two-storey extension hereby approved shall match in colour and texture those of the existing adjoining building on the site to the satisfaction of the Council as Planning Authority.

Reason: To ensure satisfactory integration of the proposed development with the existing building both in terms of design and materials.

P/22/0089

57 Royal Gardens, Bothwell



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Scale:
1:1,250
Date:
27/05/2022



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

7

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

Application no.	P/22/0108
Planning proposal:	Erection of first-floor extension to detached garage.

1 Summary application information

Application type:	Householder
Applicant:	Mr William Hyslop
Location:	7 Manse Avenue Bothwell G71 8PQ

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:
- ◆ Council Area/Ward: 16 Bothwell and Uddingston
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 2 Climate change
Policy 3 General Urban Areas
Policy 5 Development Management and Placemaking
Policy DM2 House Extensions and Alterations
Policy 14 Natural and Historic Environment
Policy NHE6 Conservation Areas

◆ **Representation(s):**

▶ 6
▶ 0
▶ 0

Objection Letters
Support Letters
Comment Letters

◆ **Consultation(s):**

None

Planning Application Report

1 Application Site

- 1.1 The application relates to the detached garage of 7 Manse Avenue, Bothwell which is a first floor flat within a building that has the appearance of a large and traditional stone dwellinghouse. The site is within the Conservation Area where the immediate surroundings are characterised by large traditional dwellinghouse with spacious garden grounds.
- 1.2 The site constitutes the first floor flat, the detached garage, and surrounding garden ground. The site is approached via a private access from Manse Avenue serving nos. 5 and 7 which is formed off a driveway with spacious turning circle. The lower flat, no. 5, and the garage of no. 7 are accessed directly off the driveway while the flatted dwelling of no. 7 is accessed from gated garden ground behind the garage. There are mature trees across the site including one directly to the rear of the garage. The site is bounded by multiple other residential properties.
- 1.3 The existing garage has: a 55m² rectangular footprint; a hip roof finished in slate with a ridge height of 4.6m; external walls finished in white textured blockwork with an eaves height of 2.4m; and a garage door to the front, a single side door, and window to the rear.

2 Proposal(s)

- 2.1 The proposed development relates to the erection of a first-floor extension to the detached garage with no increase in footprint.
- 2.2 The proposed extension will increase the height to the eaves by 1900mm and the ridge height by 1350mm and have: a gable roof finished in natural slate; external walls finished in off-white render with stone cornering like that of the existing extension of no.7; and a single window to the rear and a Juliet balcony to the front to match the style of existing windows.
- 2.3 The extension is proposed for personal use as a home office and gym.

3 Background

3.1 Local Plan Status

- 3.1.1 With regard to the South Lanarkshire Local Development Plan 2: all applications are assessed against Policy 2 – Climate Change and Policy 5 – Development Management and Placemaking; the site falls within the general urban area where Policy 3 – General Urban Areas applies; and the application is for the extension of an ancillary building of a flatted dwelling therefore Policy DM2 – House Extensions and Alterations also applies. The site is within the Bothwell Conservation Area therefore consideration must also be given to Policy 14 – Natural and Historic Environment and Policy NHE6 – Conservation Areas.
- 3.1.2 Policy 2 – Climate Change identifies that all development should seek to minimise and mitigate the effects of climate change, however, the extension of existing ancillary residential buildings is not considered to have a significant impact on the climate.
- 3.1.3 Policy 3 – General Urban Areas and Settlements states that proposals that are ancillary to residential areas will be assessed on their individual merits regarding their effect on the amenity and character of the area.

- 3.1.4 Policy 5 – Development Management and Placemaking states that the Council should ensure that the proposal will not result in any significant adverse impact on nearby buildings or the streetscape by way of layout, scale, massing, design, or external materials. Development should also have no unacceptable adverse impacts by way of overshadowing, overlooking or any other loss of residential amenity.
- 3.1.5 Policy DM2 – House Extensions and Alterations states that house extensions and alterations will be considered favourably where it can be demonstrated that the proposal complies with several criteria. The siting, scale and design of the proposal should respect the character of the existing dwelling and the wider area and should not dominate or overwhelm the existing dwellinghouse and streetscape. Furthermore, it should not significantly adversely affect adjacent properties in terms of overlooking or loss of privacy and daylight, and sufficient off-street parking and useable garden ground should remain.
- 3.1.6 Policies 14 – Natural and Historic Environment and NHE6 – Conservation Areas identify that the Council will seek to protect historic sites and features and that development within a Conservation Area or affecting its setting should preserve and enhance its character. Trees which are considered by the Council to have amenity value and contribute the character of the Conservation Area should be preserved.

3.2 Relevant Government Advice/Policy

- 3.2.1 Given the nature and scale of the proposed extension there is no specific government guidance relative to the determination of this application.

3.3 Planning Background

- 3.3.1 There are no records of any previous planning applications submitted for the garage, however, within the last decade, 7 Manse Avenue has received approvals (Ref. HM/13/0147) for external alterations to windows and the erection of a 2-storey entrance hall which has been completed.

4 Consultation(s)

- 4.1 None.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken, and six letters of objection were received from six neighbouring proprietors. The grounds of the objections are summarised as follows:-

a) **The proposed extension is not in-keeping with the character of the Conservation Area in terms of scale, design, and materiality.**

Response: It is recognised that the proposal as received was not sympathetic to the character of the Conservation Area in terms of materiality, particularly due to the proposed uPVC cladding. However, amended plans received on 9 May 2022 show external finishes more in-keeping with the Conservation Area. It should be noted that the material of the external walls of the garage is unique and cannot be easily reproduced, however, white render will be sympathetic to the original material while creating a clear distinction between old and new. The change from a hip roof to a gable can be considered acceptable as gables are a traditional roof form found throughout the Conservation Area and allows the provision of a useable first floor with minimal height gain. The resultant garage building will not be taller than surrounding buildings and is not a prominent feature of the Conservation Area due to 7 Manse Avenue being set back from the public road. The garage would also be finished with a slate roof.

- b) **The proposal will overlook neighbouring properties and result in a loss of privacy.**
Response: The amended plans received on 9 May 2022 show a Juliet balcony front window approximately 1/3 the width of the garage which is a far more appropriate scale than a glazed frontage as originally interpreted. Some windows of 5 Manse Avenue and the rearmost of the garden ground of 10 Uddingston Road are within 20m of the proposed front window, however, the angle between the buildings and adjoining garden is such that overlooking would not be considered to be unacceptable.
- c) **The proposed development is large and will result in overshadowing to neighbouring properties.**
Response: The extension will occupy the existing footprint and result in an overall height increase of 1350mm which is not considered excessive. However, in recognition of the proximity of the downstairs flat a sun path analysis comparing the existing and resultant garage was undertaken. The results show no additional shadow cast on neighbouring windows in the summer and a minor additional shadow over one neighbouring window from approx. 14:00-16:00 at the Spring/Autumn equinoxes. Some minor additional shadowing would also be observed over the rearmost of the garden ground of 12 and 12A Uddingston Road, however, it will clear at around 11:00. Specific reference was made to a bedroom window of 5 Manse Avenue, however, the analysis shows the existing garage already casts shadow over this window in the afternoons during the spring/autumn. Consequently, the shadows of the proposed building are not considered significant enough to justify refusal of planning permission.
- d) **The tree to the rear of the garage could be damaged by the development and the required trimming would leave an unnatural canopy.**
Response: The trimming of one branch of the tree to the rear of the garage is proposed in order to accommodate the increased roof height. The tree is significantly taller than the garage or any surrounding building and its branches are generally high in the canopy. Consequently, the removal of one branch is not considered to affect amenity value or the character of the tree within the Conservation Area. As with any tree works, there is risk of damage from lopping, however, this is not justification for the refusal of planning permission. A condition would be applied to prevent any other tree works without the prior approval of the Planning Authority.
- e) **The proposed use could cause noise disturbance.**
Response: The proposed use is ancillary to the site's existing residential use and no commercial activity can take place in the garage which would be secured by condition. While the garage is close to neighbouring boundaries, it is far from any buildings other than Nos. 5 and 7 Manse Avenue due to the large gardens of neighbours, and a level of ambient noise from surroundings is to be expected in residential neighbourhoods. Should excessive noise arise from the garage or any domestic property then a noise complaint can be made to the Council's Environmental Service.
- f) **The construction works could cause noise disturbance**
Response: Noise arising from construction is not a material planning consideration and all works carried out on site must be carried out in accordance with BS 5228 Parts 1-4 1997, 'Noise control on construction and open sites'. Audible construction activities should be limited to Monday to Friday 8.00am to 7.00pm, Saturday 8.00am to 1.00pm, and no audible activity on

Sunday. If construction noise is audible outwith these hours, then a noise complaint can be made to the Council's Environmental Service.

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

6 Assessment and Conclusions

6.1 The determining issues in the consideration of this application are its compliance with the adopted South Lanarkshire Local Development Plan 2 (LDP2) and its impact on the amenity of the adjacent properties and the character and setting of the Conservation Area.

6.2 It is considered that the proposed development raises no unacceptable issues from a development management perspective. In relation to Policies 2, 3, 5, DM2, 14, and NHE6 of the South Lanarkshire Local Development Plan 2. It is noted that:-

- ◆ As the application is for an extension to an existing residential garage, the development will not result in a significant material impact on the climate.
- ◆ It is considered that in terms of scale, design, and materiality that the proposed extension will be sympathetic to the character and setting of the existing garage and its surroundings. The proposal does not result in any increase in the footprint and only increases the height by 1350mm. While the roof will be changed from hip to gable, this is a style of roof suited to traditional settings and is common in the locale, and the slate finish will be preserved. The existing external finish of the garage walls is unique and difficult to replicate, however, the proposed white render will be sympathetic the existing material. Consequently, it is considered that the proposal will not have significant material impact on the character of the house or its surroundings.
- ◆ The application site and neighbouring properties are within an established residential area where a degree of mutual overlooking already occurs, and the garage will remain an ancillary building and not a main living space. In any case, the distances and angles from neighbouring buildings and adjoining gardens is such that overlooking would not be considered a serious concern. The extension is over the existing footprint of the garage, however, in recognition of the height increase a shadow path analysis was undertaken which found that the resultant garage will cast no noticeable additional shadows in summer and some minor additional shadows in the spring/autumn which will not cause a substantial enough detriment to amenity to justify refusal. Therefore, it is not considered that the development will result in a significantly adverse impact on neighbouring properties in terms of privacy, overlooking, or overshadowing. The imposition of planning conditions, should consent be granted, will ensure that no windows can be installed on side elevations overlooking neighbours without further planning consent and that the use of the garage will be incidental to the enjoyment of the flatted dwelling.
- ◆ The application site is within the Bothwell Conservation Area, however, the garage is only readily visible from the property itself and the rear of a few properties of Uddingston Road, and not from within the wider Conservation Area. However, the application as originally presented was not considered compatible with the Conservation Area due to proposed plastic cladding, bare blockwork walls, and an apparent fully glazed front elevation. Amendments were sought in the interests of preserving both the character of the Conservation Area and the original building which were received on 8 May 2022. The now proposed external finishes and windows are considered

sympathetic to the original materials and proportions. A two-storey garage is certainly an unusual feature for the locale, however, the finishes are compatible with, and the garage is not a prominent feature in, the Conservation Area. The trimming of one branch of the tree to the rear of the garage is proposed in order to accommodate the increased roof height. The tree is significantly taller than the garage or any surrounding building and its branches are generally high in the canopy. Consequently, the removal of one branch is not considered to affect amenity value or the character of the tree within the Conservation Area. Therefore, it is not considered that the development will result in a significantly adverse impact on the character of the Conservation Area or its setting. The imposition of planning conditions, should consent be granted, will ensure that the slate roof is maintained, that the style and materiality of window will match existing, and that no tree works other than previously indicated lopping will be undertaken without prior approval

- 6.3 Overall, the design, scale, position, and relationship of the proposed extension with neighbouring properties is considered to be acceptable since it will not have an unacceptable impact on the character of or the amenity of the surrounding residential area or the Conservation Area. Consequently, the proposal accords with the considerations of Policies 2, 3, 5, DM2, 14, and NHE6 of the South Lanarkshire Local Development Plan 2.

7 Reasons for Decision

- 7.1 The proposal will not result in a significant adverse impact on either the character of the Conservation Area or residential amenity and complies with the provisions of Policies 2, 3, 5, DM2, 14, and NHE6 of the adopted Local Development Plan 2. There are no other material considerations which would justify the refusal of planning permission.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 10 June 2022

Previous references

- ◆ HM/13/0147
- ◆ HM/16/0219
- ◆ P/21/0726

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 9 February 2022

- ▶ Consultations:

None

- ▶ Representations:

Martin Morris
10 Uddingston Road, Bothwell, G71 8PH

Dated:

01.03.2022

Ronald Buchan 5 Manse Avenue, Bothwell, G71 8PQ	03.03.2022
Mr John Caldwell Flat 4 Kirkfield, 12a Uddingston Road, Bothwell, G71 8PH	24.03.2022
Ross Lorimer Received Via Email	01.03.2022
Dr Sarabjit Bawa 8 Uddingston Road, Bothwell, G71 8PH	20.02.2022
Anne Marie Brandon Received Via Email	17.03.2022

Contact for further information

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

Mark Ripley
Planning Officer
Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 07385516141
Email: mark.ripley@southlanarkshire.gov.uk

Detailed Planning Application

Paper apart – Application number: P/22/0108

Conditions and reasons

01. That the roof of the garage shall be clad externally in natural slate.

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

02. The external walls of the extended garage hereby approved shall be finished in a colour, material and design to match the existing garage walls.

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

03. The new windows shall match the originals, including those of the flatted dwelling, in all aspects of their materiality and design and in their main method of opening to the satisfaction of the Council as Planning Authority.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the existing building and surrounding area.

04. 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 window openings shall be inserted above ground floor level on the side elevations of the garage extension hereby approved.

Reason: To safeguard the amenity and privacy of nearby occupants.

05. That the use of the garage hereby permitted shall be restricted to private use incidental to the enjoyment of the flatted dwelling on the site and no commercial activity shall be carried out in or from the garage.

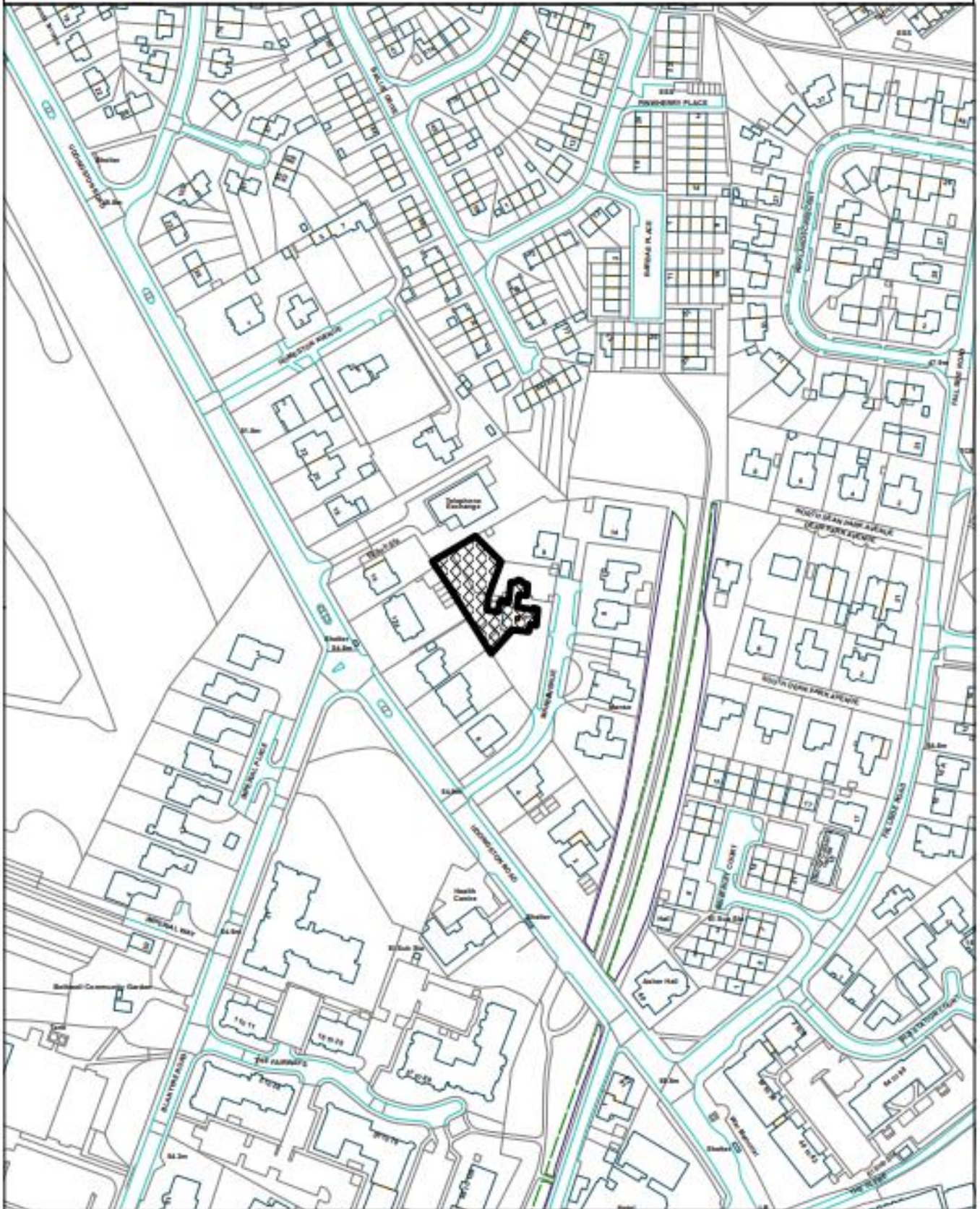
Reason: To safeguard the residential amenity of the area.

06. That other than the lopping indicated in the supporting information hereby approved 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.

P/22/0108

7 Manse Avenue, Bothwell



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Scale:
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Date:
27/05/2022



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

8

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

Application no.	P/22/0246
Planning proposal:	Demolition of rear conservatory, garage and chimney and erection of side and rear extensions with associated raised decking at rear.

1 Summary application information

Application type:	Householder
Applicant:	Miss Katie Fairfull
Location:	19 Fergus Gardens Hamilton ML3 7DF

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: Euan Anderson
- ◆ Council Area/Ward: 17 Hamilton North and East
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 2 Climate change
Policy 3 General Urban Areas
Policy 5 Development Management and Placemaking
Policy DM2 House Extensions and Alterations

◆ **Representation(s):**

▶ 6
▶ 0
▶ 0

Objection Letters
Support Letters
Comment Letters

◆ **Consultation(s):**

None

Planning Application Report

1. Application Site

- 1.1 The application relates to a semi-detached single-storey dwellinghouse at 19 Fergus Gardens, Hamilton which is a street characterised by houses of various scale and design and steep level changes.
- 1.2 The rectangular site is approximately 445m² with the house and a small front garden sited by the roadside, a detached single garage to the side of the house, and a larger rear garden which is set noticeably lower than the house. Either side and the rear of the site is bound by other residential properties.
- 1.3 The existing house has: a 63m² rectangular footprint; a gable roof finished in concrete tile with a ridge height of 5.3m; external walls finished in a mix of brown/grey brick and brown render; and a 17m² rear conservatory with a wall head along the boundary of the attached neighbour.

2. Proposal(s)

- 2.1 The proposed development relates to demolition of the garage and the erection of a single-storey extension on the side elevation, the demolition of the rear conservatory and replacement with a single-storey extension, the erection of rear decking, and other alterations including the removal of the chimney and a refreshing of the render in off-white.
- 2.2 The proposed side extension will have: a 43m² roughly rectangular footprint projecting between 4.2m to 4.8m from the existing side elevation; a gable roof as a continuation of the existing and finished to match; and external walls finished in off-white render.
- 2.3 The proposed rear extension will have: a 17m² rectangular footprint projecting 2.5m from the existing rear elevation; a low-pitched roof siting 361mm to 441mm above the existing wall head which will be finished in a single-ply membrane and have a small skylight; and external walls finished in off-white render.
- 2.4 The proposed rear deck will have a 16m² rectangular footprint in the rear corner between the two extensions which mostly sits 0.5m above the existing ground level but will have a 1.1m drop and staircase at the rearmost edge due to a drop in the garden levels. This is revised from a full-width deck at the rear which would have caused overlooking.
- 2.5 The driveway will be extended into the front garden to provide at least two 3.0m by 6.0m off-street parking spaces.

3. Background

3.1 Local Plan Status

- 3.1.1 With regard to the South Lanarkshire Local Development Plan 2: all applications are assessed against Policy 2 – Climate Change and Policy 5 – Development Management and Placemaking; the site falls within the general urban area where Policy 3 – General Urban Areas applies; and the application is for the extension of a dwelling therefore Policy DM2 – House Extensions and Alterations also applies.
- 3.1.2 Policy 2 – Climate Change identifies that all development should seek to minimise and mitigate the effects of climate change, however, the extension of existing dwellinghouses is not considered to have a significant impact on the climate.

- 3.1.3 Policy 3 – General Urban Areas and Settlements states that proposals that are ancillary to residential areas will be assessed on their individual merits regarding their effect on the amenity and character of the area.
- 3.1.4 Policy 5 – Development Management and Placemaking states that the Council should ensure that the proposal will not result in any significant adverse impact on nearby buildings or the streetscape by way of layout, scale, massing, design, or external materials. Development should also have no unacceptable adverse impacts by way of overshadowing, overlooking or any other loss of residential amenity.
- 3.1.5 Policy DM2 – House Extensions and Alterations states that house extensions and alterations will be considered favourably where it can be demonstrated that the proposal complies with several criteria. The siting, scale and design of the proposal should respect the character of the existing dwelling and the wider area and should not dominate or overwhelm the existing dwellinghouse and streetscape. Furthermore, it should not significantly adversely affect adjacent properties in terms of overlooking or loss of privacy and daylight, and sufficient off-street parking and useable garden ground should remain.

3.2 Relevant Government Advice/Policy

- 3.2.1 Given the nature and scale of the proposed extension there is no specific government guidance relative to the determination of this application.

3.3 Planning Background

- 3.3.1 There are no records of any previous planning applications submitted for the site.

4. Consultation(s)

- 4.1 None.

5. Representation(s)

- 5.1 Statutory neighbour notification was undertaken, and six letters of objection were received from five neighbouring properties. The grounds of the objections are summarised as follows:-

a) The proposal represents overdevelopment of the site

Response: The combined footprint of the proposed extensions is less than the footprint of the original house and a proportionate front and rear garden will remain, therefore the proposal is not considered overdevelopment.

b) The proposal is not in-keeping with the existing house, neighbours, or the locale.

Response: The proposal will maintain the form and general design style of the original house, the side extension is less than the width of the original house and does not protrude forward of the principal elevation, and houses on Fergus Gardens are of various scale and design. Consequently, it is considered that the proposal will not have significant material impact on the character of the house or its surroundings.

c) The resultant house will be less than 1m from the boundary thus restrict access including for emergency services.

Response: The resultant house as originally proposed was within 1m of the boundary, however, this was amended to maintain a minimum distance of 1m between buildings and the boundary in the interests of accessibility.

d) The proposed study is essentially a 4th bedroom.

Response: The resultant house is proposed as a three-bedroom, is considered to be proportionate to the site, and will provide minimum parking standards in-line with those set out in the Council's Residential Design Guide.

e) Evidence of and risk of subsidence on the site and to neighbours

Response: The cracks in the existing house are the result of water damage, however, the Coal Authority has designated the area as low risk and the Applicant/Developer has a responsibility to contact the Coal Authority should any evidence of coal mining features be discovered. Furthermore, the Applicant/Developer has a responsibility to ensure building works are carried out as per any building warrant, which is sought through a separate process to planning permission, and to prevent damage to any neighbouring properties or services.

f) Proposed parking area is too small.

Response: It is proposed to provide two 3m by 6m off-street parking spaces within the front garden which is more than adequate for a three-bedroom house.

g) Proposed parking area will cause drainage problems.

Response: The proposed driveway is to be finished in a porous material which will maintain the exiting drainage provision of the site.

h) Proposed parking removes greenspace.

Response: The planting in private gardens is not a material planning consideration in this instance.

i) Proposed parking will result in excessive noise from car movements.

Response: Front driveways and passing traffic are a normal feature of residential neighbourhoods and noise from the parking of a car is not material planning issue in this instance.

j) Construction of the parking area could disturb neighbouring gardens.

Response: The Applicant/Developer has a responsibility to ensure building works are carried out as per any building warrant, which is sought through a separate process to planning permission, and to prevent damage to any neighbouring properties or services.

k) Proposal could result in pavement parking to the detriment of local disabled residents.

Response: Heavy parking including on the pavement is a feature of residential neighbourhoods and the prevention of pavement parking is not currently the remit of the Planning Authority, however, we do require minimum off-street parking standards in the interest of parking and road safety which have been met for this proposal.

l) Reduced light to no.17 from increased roof height of rear extension over the exiting conservatory.

Response: The proposed rear extension will be 361mm to 441mm higher than the existing boundary wall which will result in an increase in the length of the shadow cast onto the rear of elevation of no.17 but not to a degree to cause significant concern and this will be mainly over the roof.

m) The proposed rear patio door/picture window and deck would cause overlooking to no.17.

Response: The rear deck as originally proposed did cause significant concern for overlooking to no.17, however, this was removed from the plans and the patio door changed to a picture window. Considering that the picture window replaces a fully glazed conservatory at approximately the same level, then the overall effect of overlooking to no.17 will be lessened.

n) If a taller boundary fence is erected, then it would overshadow no.17

Response: No change to the boundary fence is proposed, however, under permitted development legislation, rear fencing can be erected up to 2m in height without planning permission.

o) The waste pipe of no 21. combines with no.19 under the area of the proposed extension at an inspection point, consequently a diversion will have to take place which could disrupt services in the short and long-term.

Response: Should no.21 have wastewater facilities in the landownership of no.19 then these are generally covered by a servitude which is not a planning consideration. The Applicant/Developer has a responsibility to ensure building works are carried out as per any building warrant, which is sought through a separate process to planning permission, and to prevent damage to any neighbouring properties or services.

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

6. Assessment and Conclusions

6.1 The determining issues in the consideration of this application are its compliance with the adopted South Lanarkshire Local Development Plan 2 (LDP2) and its impact on the amenity of the adjacent properties.

6.2 It is considered that the proposed development raises no unacceptable issues from a development management perspective. In relation to Policies 2, 3, 5 and DM2 of the South Lanarkshire Local Development Plan 2. It is noted that:-

- ◆ As the application is for an extension to an existing house, the development will not result in a significant material impact on the climate.
- ◆ It is considered that in terms of scale, design, and materiality that the proposed extensions will be sympathetic to the character and setting of the existing house and its surroundings. The proposal will maintain the form and general design style of the original house; the side extension is less than the width of the original house and does not protrude forward of the principal elevation; the combined footprint of the proposed extensions is less than the footprint of the original house and a proportionate front and rear garden will remain; and houses on Fergus Gardens are of various scale and design. Consequently, it is considered that the proposal will not have significant material impact on the character of the house or its surroundings. The imposition of a planning condition, should consent be granted, will ensure that the facing materials for the external walls and roof of the proposed extensions shall match the existing dwellinghouse.
- ◆ The application site and neighbouring properties are within an established residential area where a degree of mutual overlooking already occurs. The rear extension will sit on the footprint of the existing conservatory with less glazing and only a minor increase in height; the side extension will sit north of the

neighbour and has only one small, frosted bathroom window on the side; and the rear decking will sit only 0.5m above the existing garden level except for the stairs to access the lower garden. Therefore, it is not considered that the development will result in a significantly adverse impact on neighbouring properties in terms of privacy, overlooking, or overshadowing.

- 6.3 Overall, the design, scale, position, and relationship of the proposed extension with neighbouring properties is considered to be acceptable since it will not have an unacceptable impact on the character of or the amenity of the surrounding residential area. Consequently, the proposal accords with the considerations of Policies 2, 3, 5, and DM2 of the South Lanarkshire Local Development Plan 2.

7. Reasons for Decision

- 7.1 The proposal will not result in a significant adverse impact on either residential or visual amenity and complies with the provisions of Policies 2, 3, 5 and DM2 of the adopted Local Development Plan 2. There are no other material considerations which would justify the refusal of planning permission.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 26 May 2022

Previous references

- ◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 2 March 2022

- ▶ Consultations:

None

- ▶ Representations:

Dated:

Mr and Mrs Blacker,
23 Fergus Gardens, Hamilton, South Lanarkshire, ML3 7DF

16.03.2022

Mr John Craig,
21 Fergus Gardens, Hamilton, South Lanarkshire, ML3 7DF

29.03.2022

Mr David Fraser,
16 Fergus Gardens, Hamilton, ML3 7DF

21.03.2022

Miss Ann Buchanan,
17 Fergus Gardens, Hamilton, ML3 7DF

15.03.2022

Mr Brian Alexander,
18 Fergus Gardens, Hamilton, ML3 7DF

18.03.2022

Ann Buchanan,
By Email

19.04.2022

Contact for further information

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

Mark Ripley
Planning Officer
Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 07385516141

Email: mark.ripley@southlanarkshire.gov.uk

Detailed Planning Application

Paper apart – Application number: P/22/0246

Conditions and reasons

01. That the facing materials to be used for the external walls and roof of the extensions hereby approved shall match in colour and texture those of the existing adjoining building on the site to the satisfaction of the Council as Planning Authority.

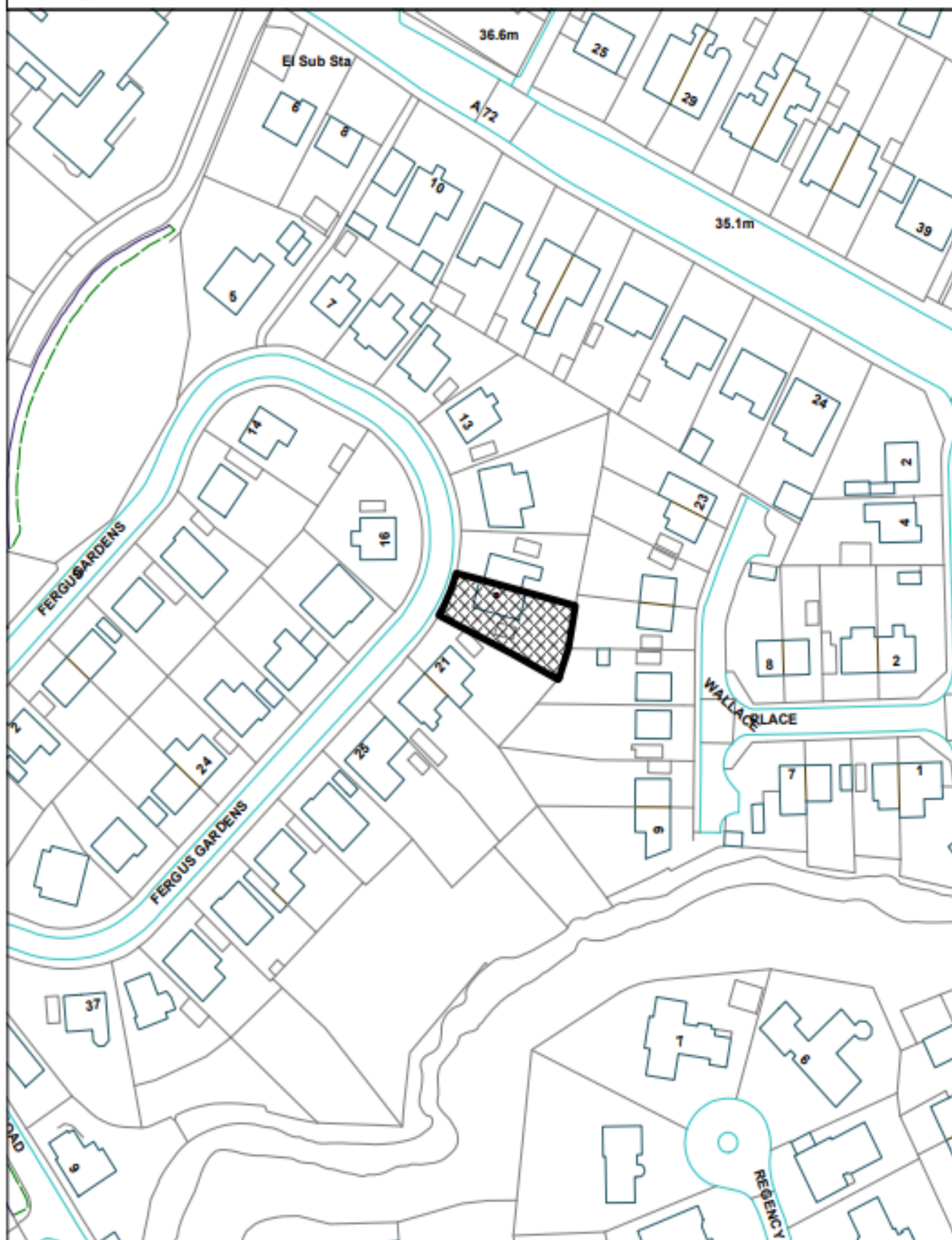
Reason: To ensure satisfactory integration of the proposed development with the existing building both in terms of design and materials.

02. That before the development hereby approved is completed or brought into use, 2 no. parking spaces (2.9m x 5.8m modules) shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.

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

P/22/0246

19 Fergus Gardens, Hamilton



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Scale:
1:1,250
Date:
27/05/2022



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

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

Subject:	The South Lanarkshire Development Plan Scheme 2022
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1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ Seek Committee approval for the South Lanarkshire Development Plan Scheme (appended to report) which will then be submitted to the Scottish Government for information

2. Recommendation(s)

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

- (1) that the South Lanarkshire Development Plan Scheme 2022 be approved and published as set out in the appendix; and
- (2) that the South Lanarkshire Development Plan Scheme 2022 be submitted to the Scottish Government.

3. Background

3.1. The Town and Country Planning (Scotland) Act 1997 requires Planning Authorities in Scotland to prepare a Development Plan Scheme (DPS). The Scheme has to set out the authority's programme for preparing and reviewing their Local Development Plan and what is likely to be involved at each stage. The Scheme is to be updated annually.

3.2. Until recently the Development Plan comprised the Strategic Development Plan (SDP) and Local Development Plan (LDP). The SDP for Glasgow and the Clyde Valley is known as Clydeplan and is progressed by a Joint Committee that includes South Lanarkshire Council. The current SDP2 was approved in March 2017. The LDP is prepared by individual planning authorities and sets out detailed policies and proposals for their particular area to guide the use of land and buildings. The second South Lanarkshire Local Development Plan (LDP2) was adopted on 9 April 2021.

3.3. The Planning (Scotland) Act 2019 received Royal Assent in July 2019 and its provisions have been incorporated into the 1997 Act. Among other things it introduces changes to the development plan system including:-

- ◆ The repeal of Strategic Development Plans and their replacement by non-statutory Regional Spatial Strategies (RSS);

- ◆ Combining the existing National Planning Framework and Scottish Planning Policy into one document to be called National Planning Framework 4 which in turn will become part of the development plan;
- ◆ The need to replace LDPs at least every 10 years as opposed to 5 years at present;
- ◆ The repeal of the ability to prepare Supplementary Guidance (SG).
- ◆ The Act will also allow local communities to prepare Local Place Plans (LPP) for their local area to enable greater public involvement in the planning of their places. A LPP must accord with the LDP in place at that time.

4. The South Lanarkshire Development Plan Scheme 2022

4.1. A Development Plan Scheme for South Lanarkshire for 2022 has been prepared and is attached as an appendix to this report. The Scheme covers:-

- ◆ The current coverage of development plans (strategic and local development plans) in South Lanarkshire.
- ◆ Proposals for the preparation of the next South Lanarkshire local development plan (which will be referred to as SLLDP3) for the area.
- ◆ The anticipated timescale for preparation of this LDP.
- ◆ Details, as appropriate and where known, of the key components of each stage of preparation.
- ◆ A participation statement, giving an account of when consultation will take place, with whom and in what form, during the preparation of the LDPs.
- ◆ Details of the preparation of other supporting planning guidance associated with the local development plan.
- ◆ Information on how to access information and how to get in touch with the Council.

4.2. The Scheme highlights that the development plan process is in a period of transition as the detailed requirements of the 2019 Act are brought forward. In terms of NPF4 the Scottish Government published a consultation document in November 2021. In addition, consultation on draft secondary legislation and guidance on the preparation of the new style Local Development Plans was published earlier this year. The Planning Committee agreed the Council's responses at its meeting on 29 March 2022 and they were subsequently submitted.

4.3. It is currently anticipated that the approved NPF4 will be published after summer 2022 and the finalised regulations and guidance for LDP preparation later in 2022. Thereafter, the relevant parts of the Act and the approved secondary legislation will take effect. At this point the Council can formally begin preparation of LDP3. The DPS includes an initial programme for each stage of the process, however, this cannot be prepared in any great detail at the moment until NPF4 and the secondary legislation for LDPs is approved. An updated programme will be included in the DPS for 2023. The participation statement will also be developed in next year's version; it should be highlighted that engagement and consultation with local communities and stakeholders will be wider and more intensive than previously. It should be noted that transitional arrangements published by the Government last year highlights the expectation that the new form of LDP will be adopted by all Councils by 2027.

4.4. Finally, the repeal of the ability to prepare Supplementary Guidance (SG) means that the existing SG that sat alongside LDP1 is no longer part of the development plan. To address this policy in the SGs was incorporated into LDP2. Nevertheless, it is intended

to prepare non-statutory Supporting Planning Guidance on a range of topics. To date draft documents on the following topics have been approved by the Planning Committee and have been the subject of public consultation. It is expected the outcome of this will be reported to committee later this year.

- ◆ Development at a Dwellinghouse
- ◆ Electric Vehicle Charge Points
- ◆ Community Infrastructure Assessment (used in relation to determining the need and amount of developer contributions)

In addition, work has started on other SPG on the following topics:-

- ◆ Local Nature Reserves (subject of a separate report on this committee agenda)
- ◆ Town Centres
- ◆ Climate Change
- ◆ Biodiversity

Each of these will be reported to committee for approval and consultation carried out.

- 4.5. Once approved by Committee the Development Plan Scheme will be sent to the Scottish Ministers and made available on the Council's web site and in every Council library when they are re-opened.

5. Employee Implications

- 5.1. The delivery of the next Local Development Plan and associated Supporting Planning Guidance outlined within the Development Plan Scheme is based upon appropriate staff resources within Planning and Economic Development Services being available. It is noted that the primary legislation for the new style LDP imposes additional duties and new procedures on planning authorities. The ability to deliver the new LDP within the timescale envisaged by the Government will be impacted if appropriate resources are not available.

6. Financial Implications

- 6.1. The resources required to deliver the Local Development Plan and guidance described in the Development Plan Scheme are dependent upon the appropriate budget levels being available to Planning and Economic Development Services. Changes in financial resources may impact on the programmes presented.

7. Other Implications

- 7.1. Local development plans are subject to the requirements of the Environmental Assessment (Scotland) Act 2005. Each plan requires to be subject to Strategic Environmental Assessment as is detailed within the Development Plan Scheme. Plans will also be subject to other forms of assessment to address sustainability issues, meet other legislative requirement and/or Council/Community Planning policy, namely; Habitats Regulation Appraisal, Equality Impact Assessment and Health Impact Assessment. The Development Plan Scheme itself, however, does not raise any sustainability issues.

- 7.2. The production of the Development Plan Scheme is a statutory requirement and there would be a reputational risk to the Council if it failed to do so.

8. Climate Change, Sustainability and Environmental Implications

- 8.1. There are no direct implications for these issues arising from the preparation of the Development Plan Scheme. Nevertheless, climate change and sustainability will be significant issues when preparing LDP3.

9. Equality impact assessment and consultation arrangements

- 9.1. As indicated in the above paragraph Equality Impact Assessment will be undertaken on local development plans.
- 9.2. There are no consultation requirements for the Development Plan Scheme. The Scheme however details the stages, form and timing of the required participation and consultation associated with the preparation of the LDP and its associated guidance as far as it is known at the moment.

David Booth

Executive Director (Community and Enterprise Resources)

30 May 2022

Link(s) to Council Values/Ambitions/Objectives

- ◆ Make communities safer, stronger and sustainable
- ◆ Improve the quality of life of everyone in South Lanarkshire
- ◆ Work with communities and partners to promote high quality, thriving and sustainable communities

Previous References

- ◆ Report on Development Plan Scheme 2021 – Planning Committee 11 May 2021
- ◆ Report on Consultation on NPF4– Planning Committee 29 March 2022

List of Background Papers

- ◆ None

Contact for Further Information

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

Tony Finn Planning and Building Standards Manager, Planning Headquarters Team -
Montrose House, Hamilton

Ext: 5436 (Tel: 01698 455436)

E-mail: localplan@southlanarkshire.gov.uk

South Lanarkshire Development Plan Scheme 2022



Community and
Enterprise Resources

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1 Introduction

1.1 This is the development plan scheme for South Lanarkshire Council. It is prepared in accordance with the Town and Country Planning (Scotland) Act 1997 and sets out the Council's programme for the preparation of local development plans to cover the South Lanarkshire area.

1.2 This scheme covers:-

- The current coverage of development plans in South Lanarkshire.
- Proposals for the preparation of the next South Lanarkshire local development plan (which will be referred to as SLLDP3) for the area.
- The timescale for preparation of this LDP.
- Details, as appropriate, of the key components of each stage of preparation.
- A participation statement, giving an account of when consultation will take place, with whom and in what form, during the preparation of the LDPs.
- Details of the preparation of other supporting planning guidance associated with the local development plan.
- Information on how to access information and how to get in touch with the Council.

1.3 As required by legislation, this development plan scheme must be reviewed and republished every year.

The development plan system in Scotland

1.4 Development plans are the basis for decision making on planning applications, containing policies and proposals for the future development and use of land.

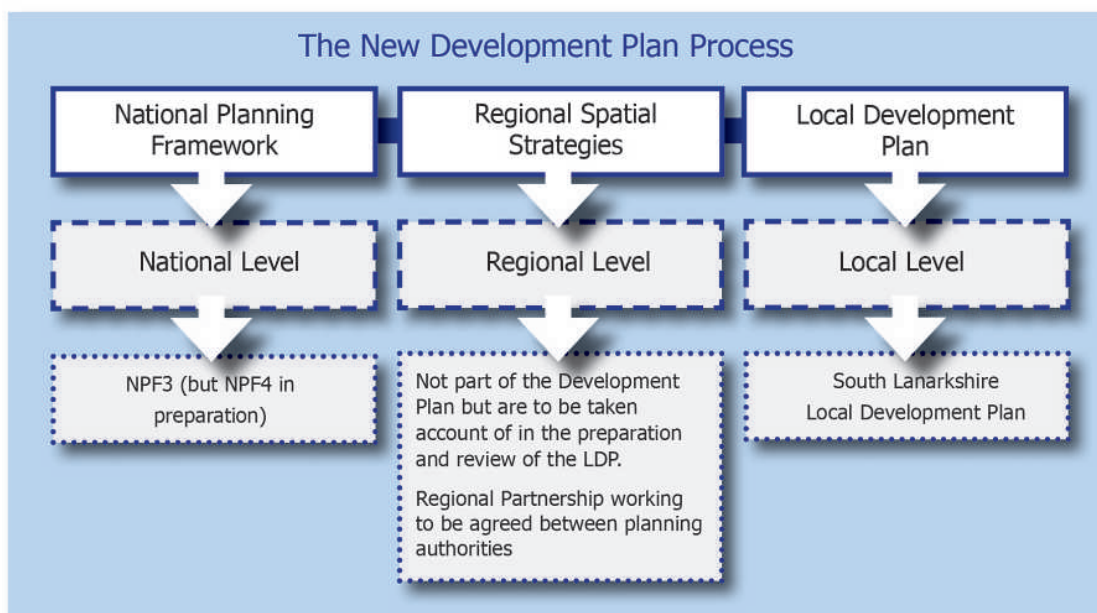
1.5 Further information on the planning system is available from the Scottish Government's website www.scotland.gov.uk/Topics/Built-Environment.

1.6 The Planning (Scotland) Act 2019 received Royal Assent in July 2019 and it has been incorporated into the 1997 Act. Among other things it introduces changes to the development plan system including

- the repeal of Strategic Development Plans and their replacement by non-statutory Regional Spatial Strategies (RSS);
- combining the existing National Planning Framework and Scottish Planning Policy into one document to be called National Planning Framework 4 when it is approved. In turn it will become part of the development plan;
- the need to replace LDPs at least every 10 years as opposed to 5 years at present; and
- the repeal of the ability to prepare Supplementary Guidance (SG).
- In addition local communities now have the opportunity to prepare Local Place Plans (LPP) for their local area to enable greater community involvement in the planning of their places. A LPP must accord with the NPF and LDP in place at that time.

1.7 The overall structure of the development plan system in Scotland will be as shown in the table below.

Introduction 1



The National Planning Framework for Scotland (NPF)

1.8 The NPF is produced by the Scottish Government and sets out a long-term spatial strategy for the development of Scotland as a whole and what Scottish Ministers consider to be development priorities. The Third National Planning Framework for Scotland (NPF 3) was published in June 2014 but it is scheduled to be replaced.

1.9 The Scottish Government published a draft NPF 4 for public consultation in November 2021 which closed in March 2022. It is anticipated that an approved version will be published in summer 2022. NPF 4 will also incorporate Scottish Planning Policy (SPP) which contains detailed national policy on a number of planning topics and for the first time spatial and thematic planning policies will be addressed in one place. NPF 4 has also been made the vehicle for identifying the housing land requirements for LDPs, taking over this role from Strategic Development Plans (SDP), and its enhanced status as an integral part of the development plan will give it a much stronger role in informing day to day decision-making. It will have a longer time horizon to 2045, fuller regional coverage and improved alignment with wider programmes and strategies, including the delivery of infrastructure and economic investment, tackling the climate emergency and nature crisis and supporting the creation of high quality sustainable places.

Regional Spatial Strategies

1.10 The Planning (Scotland) Act 2019 removed the requirement to prepare SDPs and instead requires the preparation and adoption of Regional Spatial Strategies (RSS). Once approved it will provide a framework for the preparation of the NPF and Local Development Plans. They are long-term spatial strategies which identify the need for strategic development and the priorities for the delivery of strategic development and proposed locations, all shown in the form of a map or diagram. It is expected that the Scottish Government will publish draft regulations and guidance on the preparation of RSS later in 2022.

1 Introduction

1.11 The legislation encourages planning authorities to work together to produce RSS. South Lanarkshire Council is one of the 8 members authorities of Clydeplan and this arrangement which was established in 1996 will continue. An 'interim' RSS was submitted to Scottish Government in June 2020.

Local Development Plans (LDP)

1.12 The South Lanarkshire Local Development Plan 2 (SLLDP2) was adopted by the Council on 9 April 2021. It was produced under the existing legislation but took account of some of the changes that have been introduced under the 2019 Act. In particular it includes a Volume 2 of additional policies that replaces the SG's prepared in association with the first iteration of the SLLDP. The Council has begun to produce non-statutory Supporting Planning Guidance on a number of topics; will not have the same statutory standing as the Supplementary Guidance they will be a material consideration in determining planning applications.

1.13 Under the new legislation LDPs will continue to be prepared by local planning authorities and set out detailed policies and proposals for their particular area to guide the use of land and buildings over a 10-year period. A new first stage in the process has been introduced which will comprise the preparation of an Evidence Report which involves gathering a wide range of information and data which will inform the direction of the plan. Engagement with stakeholders, key agencies and local communities will form part of this work. The Evidence Report is then submitted to Scottish Ministers for review (referred to as a 'gatecheck'). Following confirmation that the Scottish Ministers are content with the Evidence Report, Planning Authorities can then start preparation of the Proposed Plan. The previous plan preparation stages of engagement and public consultation and thereafter an examination of the Proposed Plan are maintained. Following this, Planning Authorities can then adopt their Local Development Plan, taking account of the findings and recommended modifications from the Examination.

1.14 Consultation by the Scottish Government on draft Regulations and guidance took place in early 2022 and it is anticipated that the relevant parts of the Act and secondary legislation will come into effect in later in 2022. Preparation of LDP3 will not formally commence until once NPF4 and the associated legislation and guidance is approved by the Scottish Government. This should outline the new process and what is expected of Local Authorities.

1.15 Under the new Planning (Scotland) Act 2019 provisions relating to supplementary guidance are repealed, so that it will no longer be possible for local planning authorities to prepare supplementary guidance that forms part of the development plan. However, the ability to continue to prepare non-statutory guidance in order to support the delivery of the plan strategy and policies is retained.

Local Place Plans (LPPs)

1.16 The 2019 Act introduces the ability for community bodies to prepare Local Place Plans for their area. They are community-led plans setting out proposals for the development and use of land and reflect the community's aspirations for the area. The plans are to reflect national and local outcomes and therefore they are required to conform with the NPF and LDP in place at the time. The related legislation came into effect in January 2022 and was accompanied by the publication of Circular 1/2022:Local Place Plans.

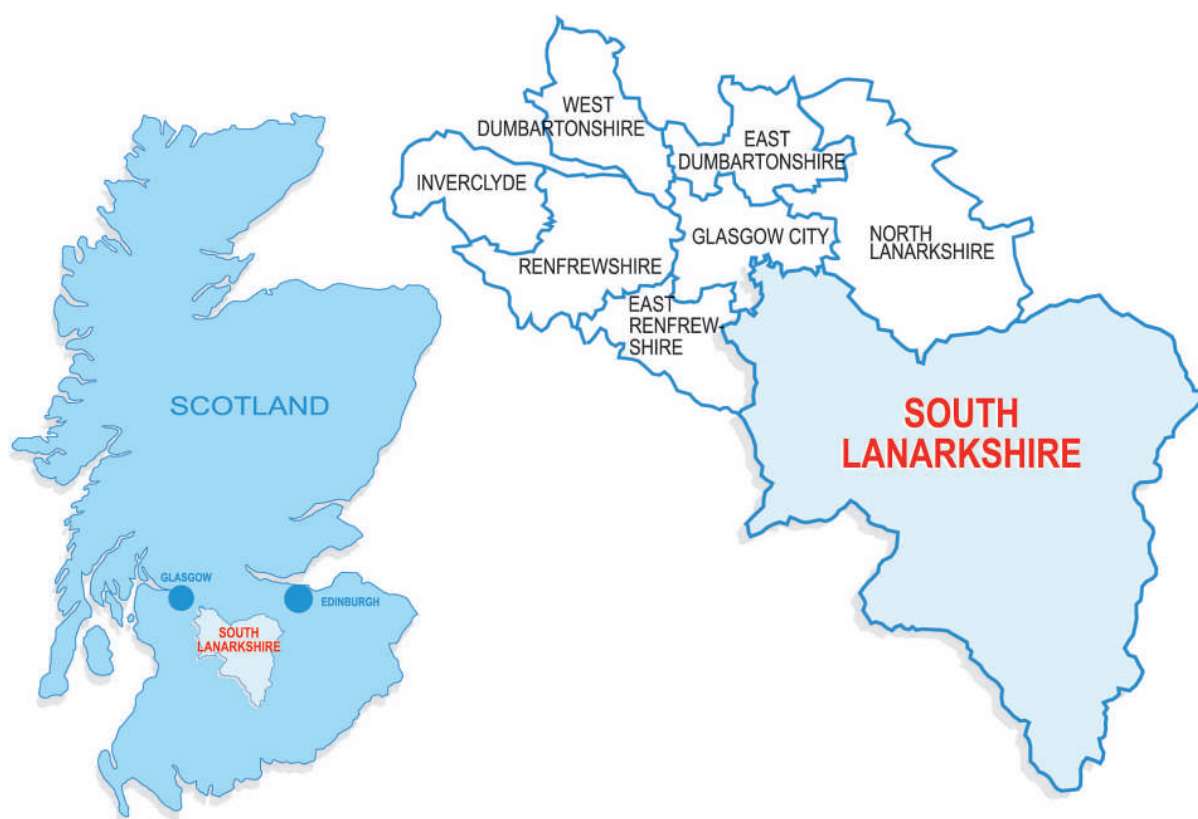
Development planning in South Lanarkshire 2

Strategic Development Plan (SDP)

2.1 South Lanarkshire Council is one of the eight local authorities that forms the Clydeplan Strategic Development Planning Authority (SDPA).

2.2 The second SDP (Clydeplan) was approved in July 2017. This plan will fall in 2022 and will not be replaced by another Strategic Development Plan. A Regional Spatial Strategy will be developed which will continue to address cross boundary or region wide issues as the well as the Housing Needs and Demand Assessment. Although it will not have a statutory status Local Development Plans are required to take account of the Regional Spatial Strategy.

Figure 2.1 South Lanarkshire and the Clydeplan Strategic Development Planning Authority



Local Development Plan (LDP)

2.3 The South Lanarkshire Local Development Plan 2 was adopted by the Council on 9 April 2021. Supplementary Guidance produced as part of LDP1 is no longer part of the development plan however it will continue to be used in decision making where relevant until associated Supporting Planning Guidance is produced. As a result of the removal of SGs in the 2019 Act all of the policy currently contained within this Supplementary Guidance have been included within Volume 2 of the South Lanarkshire Local Development Plan 2. The Council will not produce any further statutory Supplementary Guidance.

2 Development planning in South Lanarkshire

Supporting Planning Guidance

2.4 The Council has already produce non-statutory supporting planning guidance on specific topics. Alongside the LDP2 an SPG was prepared and approved relating to Renewable Energy. Supporting planning guidance does not need approval of the Scottish Government and can be approved by Councils and thereafter will be a material consideration in determining planning applications. It can be prepared at any time during the lifecycle of the plan. Further SPG's have been prepared relating to Electric Vehicle Charging Points, Development At A Dwellinghouse and Community Infrastructure Assessment. A site specific SPG has also ben produced for land at Law Place , East Kilbride. Further SPG's are in development relating to Local Nature Reserves and Town Centres.

Strategic Environmental Assessment

2.5 The policies and proposals contained in local development plans are required to be assessed for their potential impacts on the environment utilising a process known as Strategic Environmental Assessment (SEA).

2.6 The purpose of SEA is to provide a high level of protection for the environment by ensuring that environmental issues are considered by decision makers alongside economic and social issues. This is achieved by systematically assessing the potential significant effects of the plan, and recording the results in an 'Environmental Report'. The process involves both regular liaison with NatureScot, Scottish Environment Protection Agency and Historic Environment Scotland (the 'consultation authorities') and its own public consultation process.

2.7 An SEA has been carried out in conjunction with the preparation of LDP2 in alignment with the process of plan preparation. The main stages and their relationship to the stages of LDP preparation are summarised below. It is not clear whether these stages will be amended under the new system since there will no longer be a Main Issues Report produced.

Stages of Strategic Environmental Assessment

- **SEA Screening:** a process for identifying the likelihood of the LDP having a significant environmental effect. Local development plans will, by their very nature, have environmental effects. Therefore a SEA will be required, so it is unlikely that this screening stage will be necessary.
- **SEA Scoping:** determines which details are to be included in the environmental report. It is undertaken early on in the assessment process, in order to focus efforts on the environmental issues to be assessed and the data sets that will be used to measure these and potential alternatives for achieving the aims of the LDP.
- **Environmental Report:** predicts and evaluates environmental impacts. The environmental report is the main reporting mechanism for describing and evaluating the environmental effects of the proposed LDP and evaluating alternatives. A draft Environmental Report will be published with the Main Issues Report with a revised Environmental Report being published alongside the Proposed Plan. A further revision may be required after the public examination of the plan.

Development planning in South Lanarkshire 2

Habitats Regulations Appraisal

2.8 Following a ruling by the European Court of Justice in October 2005, plans which are likely to have a significant effect on Special Protection Areas (SPAs) or Special Areas of Conservation (SACs) can be approved only after a Habitats Regulations Appraisal (HRA) of the implications of the plan's policies/proposals for the sites has been carried out, under the provisions of the Habitats Directive 1992. The requirements are transposed into UK law by the Conservation (Natural Habitats & c) Regulations 1994. Scottish Ministers have also extended the requirement for assessment to Ramsar sites, listed under the international convention on the conservation of wetlands of international importance, and potential SPAs, before they are fully classified. At the moment an HRA is required for all proposed LDPs including a draft assessment at the MIR stage and a revised assessment at the proposed Plan stage. A further revision may be required after public examination of the plan. The requirement for HRA for the new style LDP will remain however the timing of the various stages is unknown until Regulations are approved. In addition HRA will be required to be undertaken for any Supporting Planning Guidance produced.

Equality Impact Assessment/Health Impact Assessment

2.9 The preparation of LDPs in South Lanarkshire takes place within a context that is wider than direct legislative requirements and high level planning and environmental policy. The Council has further obligations and policies that also apply to the preparation and content of LDPs. The Council is committed to undertake assessment of all policies to ensure that they do not prejudice the interests of individuals in terms of age, disability, economic circumstance, ethnicity, gender or religion. An Equality Impact Assessment was undertaken in the preparation of the SLLDP2. There will also be a requirement to carry out an assessment of inequalities caused by socio-economic disadvantage under the Fairer Scotland Duty 2018.

2.10 Furthermore the Council has a significant role to play in Community Planning. The Community Empowerment (Scotland) Act 2015 introduced the requirement for Community Planning Partnerships to develop a Local Outcomes Improvement Plan (LOIP) and any appropriate Locality Plans (called Neighbourhood Plans in South Lanarkshire). It also gave community planning a statutory purpose to focus on improving outcomes and tackling inequalities of outcome, including in localities whose communities experience the poorest outcomes. Outcomes relating to health can be influenced by planning policy and Health Impact Assessment has been developed as a tool to allow assessment of policy and its relationship to human health, which is also considered by SEA.

Consultation

2.11 Early and effective consultation with stakeholders is an established principle in South Lanarkshire. The Council strives for continuous improvement in this area and has established a number of ways to engage and consult with communities for example, focus groups and citizens panels. Preparing LDPs is informed by the National Standards for Community Engagement as set out in PAN81 Community Engagement - Planning with People.

National standards for community engagement

1. Involvement: Identify and involve the people and organisations who have an interest in the focus of the engagement.
2. Support: Identify and overcome any barriers to involvement.

2 Development planning in South Lanarkshire

3. Planning: Gather evidence of need and resources to agree purpose, scope and actions.
4. Methods: Agree and use methods of engagement that are fit for purpose.
5. Working Together: Agree and use clear procedures that enable participants to work together effectively and efficiently.
6. Sharing Information: Ensure necessary information is communicated between the participants.
7. Working with Others: Work effectively with others with an interest.
8. Improvement: Develop the skills, knowledge and confidence of the participants.
9. Feedback: Feed results back to the wider community and agencies affected.
10. Monitoring and Evaluation: Monitor and evaluate whether engagement achieves its purpose and meets the national standards for community engagement.

2.12 The 2019 Act goes further in setting out a range of groups that will be required to be consulted during the preparation of LDP3. This includes specific reference to disabled persons, gypsies and travellers, and children and young people.

2.13 South Lanarkshire Council has a development planning consultation portal on the internet with the web services company Objective Keystone Online Software. When a consultation is underway the portal is active and can be accessed via the South Lanarkshire Council Website. Draft versions of documents are published on this portal and comments can be made online. Consultees can register themselves and set their own preferences on how they wish to be alerted to future consultations. The planning service needs to hear from individuals, groups and organisations if there are any changes to contact details.

South Lanarkshire Local Development Plan 3

Local Development Plan (LDP)

3.1 The South Lanarkshire Local Development Plan 2 was adopted in April 2021. Under the old system local development plans required to be kept under review and the adopted plan replaced at least every 5 years from the date of adoption. Under the emerging system this has been extended to 10 years. Transitional arrangements published by the Scottish Government indicate that they expect the new style LDPs to be adopted by every planning authority by mid 2027.

3.2 Table 3.1 provides a very indicative proposal for the main stages in the early part of the preparation of LDP3. However this is likely to be subject to change due to National Planning Framework 4 not being currently approved and the associated regulations and guidance for preparing the LDP not having been finalised. Nevertheless work will start in the second half of 2022 on the gathering of information to inform the Evidence Report based on the contents of the draft guidance that was published by the Scottish Government earlier in the year. In addition monitoring of policies in LDP2 will also be carried out.

Participation Statement

3.3 The primary legislation on the Development Plan scheme includes a requirement to prepare a Participation Statement which is to set out how the Council will engage and consult with its stakeholders when preparing the LDP. However it has not been possible to carry out this requirement due to the uncertainty about the associated Regulations and timescales for the preparation of the new style LDPs. The Scottish Government has also advised that they intend to publish draft guidance on Community Engagement in 2022. As a result it is expected the next version of the Development Plan Scheme will include a detailed Participation Statement.

Supporting Planning Guidance

3.4 A series of supporting planning guidance documents are currently under preparation or programmed to be started in the next 12 months. As Supporting Planning Guidance is produced it will be presented to committee for approval and thereafter consultation carried out.

Programme

3.5 Table 3.1 on the next page identifies an outline of likely tasks, progress and timescales for preparing the next LDP. However this will be updated once final details of the new system emerge. The timescales are based on what is currently expected.

3 South Lanarkshire Local Development Plan

Table 3.1 Preparing the South Lanarkshire LDP 2

Stage	Key components	Complete/Timescale
Adoption Procedures for LDP2	Plan adopted	April 2021
	Post Adoption procedures Completed	
Preparation of Supporting Planning Guidance	Prepare Guidance on a number of topics to replace existing Supplementary Guidance	Ongoing
	Consultation	
	Committee Approval	
Prepare timetable and detailed Work Programme for LDP3	Subject to publication of NPF4 and the associated Development Plan Regulations and Guidance	End of 2022
Monitoring Report for LDP2	Prepare Monitoring Report to assess performance of policies in LDP2	Summer 2022
Commence preparation of the Evidence Report	Consultation with an array of stakeholders and relevant parties	Early 2023

A summary time-line is provided below.

South Lanarkshire LDP 3 programme

Table 3.2

Year (quarters)	2021				2022				2023				2024				2025			
Stage	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
Adoption LDP2																				
Supporting Planning Guidance																				
Timetable and Work Programme LDP3																				
Monitoring Report LDP2																				
Commence preparation of evidence report																				
Submit evidence report for Gatecheck																				
Start preparation of Proposed Plan																				

Accessing information and contacts 4

South Lanarkshire Council

Community and Enterprise Resources
Planning and Building Standards Services HQ

Tel: 0303 123 1015

Email: localplan@southlanarkshire.gov.uk

Web page: www.southlanarkshire.gov.uk

South Lanarkshire's development planning consultation portal

<https://southlanarkshire.objective.co.uk/portal/>

If you need this information in another language or format,
please contact us to discuss how we can best meet your needs.
Phone 0303 123 1015 or email: equalities@southlanarkshire.gov.uk

South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development
Montrose House, 154 Montrose Crescent
Hamilton ML3 6LB
www.southlanarkshire.gov.uk

Report

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

Subject:	South Lanarkshire Local Development Plan 2 Supporting Planning Guidance: Local Nature Reserves
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1. Purpose of Report

1.1. The purpose of the report is to:-

- ♦ Seek approval for the Supporting Planning Guidance (SPG) on Local Nature Reserves as set out in the Appendix

2. Recommendation(s)

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

- (1) that the Supporting Planning Guidance on Local Nature Reserves, attached as an Appendix to the report, be approved;
- (2) that the Head of Planning and Economic Development Services be authorised to make drafting and technical changes to the Supporting Planning Guidance prior to its publication.

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. Following the adoption of the South Lanarkshire Local Development Plan 2 in April 2021, the Council has begun preparation of a series of supporting guidance to support the Plan. Section 9 of the Planning (Scotland) Act 2019 has removed the ability of Planning Authorities to prepare new statutory Supplementary Guidance which was previously the means of creating additional guidance. However, 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, approval by the Council gives it formal status, meaning that it will be a material consideration in decision making.

- 3.3. Supplementary Planning Guidance supports the policies in South Lanarkshire Local Development Plan 2 and is intended to provide guidance to developers at an early stage on what will be acceptable so that it can be factored into proposals. In addition, this SPG has been prepared specifically to formalise the boundaries of the Local Nature Reserves that are identified in SLLDP2.

4. Current Position

- 4.1. During the preparation of SLLDP2 the provision of 16 new LNRs at the locations listed below was proposed together with an extension to the existing Langlands Moss LNR.

The proposed LNRs are:-

- Backmuir Woods, Hamilton
- Blantyre, Bothwell and Uddingston
- Cadzow Glen, Hamilton
- Fernbrae Meadows, Rutherglen
- Greenhall, Millheugh and Barnhill, Blantyre
- Hamilton Low Parks, Hamilton
- Holmhill Wood Community Park, Cambuslang
- James Hamilton Heritage Park, East Kilbride
- Jock's Burn, Carluke
- Langlands Moss, East Kilbride (extension to existing LNR)
- Milton, Carluke
- Morgan Glen, Larkhall
- Mossneuk, East Kilbride
- Neilsland and Earnock, Hamilton
- Stonehouse Park, Stonehouse
- Udston and Glenlee Woods, Hamilton
- Westburn, Cambuslang

- 4.2. At that time precise boundaries for each of the LNRs could not be established. As a result, indicative boundaries were shown as proposals on the relevant settlement maps in the Proposed Plan that was published for public consultation. In accordance with the statutory requirements for the preparation of development plans, a range of publicity and consultation was carried out including all addresses which neighbour the sites being notified directly. As a result of the representations received, a number of minor changes were made to the LNR boundaries. These changes were considered by the Reporter who carried out the formal Examination of the Proposed Plan and did not make a recommendation requiring further changes. Nevertheless, a number of land ownership issues were still being resolved when the Plan was adopted by the Council in 2021. The detailed boundaries were therefore not shown on the settlement Plans at this stage, but instead the locations were shown indicatively with symbols. To address this matter paragraph 6.12 of SLLDP2 states that "The detailed boundaries of the LNR's will be defined through the preparation of management plans for these areas and included in Supporting Planning Guidance".
- 4.3. In parallel with the local development plan process, detailed discussion took place with NatureScot to progress the formal declaration of the LNRs under Section 21 of the National Parks and Access to the Countryside Act 1949 (as amended). NatureScot endorsed the declaration of the LNRs in September 2021. A report seeking approval to proceed with the declaration was approved by the Planning Committee on 5 October 2021. This report contained the detailed boundaries of the LNRs for committee

approval. The formal declaration was progressed by the Head of Administration and Legal Services in January and February this year.

- 4.4. Draft management statements which include information about all the sites and give an update on the work done to date, community involvement, and plans for the future have been prepared for each of the LNRs. They are available on the Council's website

5. Next Steps

- 5.1. Other Supporting Planning Guidance approved by the Planning Committee has been the subject of consultation. Extensive consultation took place on the Local Nature Reserves proposals at both Main Issues Report and Proposed Plan stages of the preparation of SLLDP2. The results of the consultation exercise were reported to the Planning Committee in February 2019 when approval was given to submit the proposed plan for Examination. 25 representations relating to the LNRs were received with the vast majority of comments strongly supportive of the proposal to establish new LNRs. A small number of responses raised detailed issues regarding particular sites which would be addressed through the management plans for the sites. In addition, in developing their management plans for the LNRs the Countryside and Greenspace team has engaged with existing community groups associated with the sites.
- 5.2. The SPG does not introduce new policy or set out any detailed requirements for developers. The Local Nature Reserves have previously been subject to consultation through the LDP process and the draft Management Statements and maps which have been approved by the Council are available on the Council website. As a result, there is therefore no requirement for further consultation on this SPG as its purpose is to consolidate the existing approved LNR boundary maps into one easy to use supporting planning guidance document which will sit alongside the adopted LDP.
- 5.3. In view of the above it is recommended that the proposed SPG as set out in the Appendix is approved. If this is agreed the document will be published on the Council's website and thereafter used in decision making on planning applications.

6. Employee Implications

- 6.1. The preparation of the Supporting Planning Guidance and subsequent implementation of the management plans will be carried out using existing staff resources within Planning and Economic Development Services and the Countryside and Greenspace team. The sites are entirely owned by the Council and maintained by Grounds Services with grounds maintenance regimes in place; no additional staff time is predicted for planned, ongoing site management.

7. Financial Implications

- 7.1. The financial resources required to deliver SLLDP2 including any associated SPGs are based upon current budget levels available to Planning and Building Standards Services. Changes in these resources may impact on the programmes presented.

8. Climate Change, Sustainability and Environmental Implications

- 8.1. 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. This included a detailed assessment of all the proposed LNR sites. The comprehensive and robust SEA helped to ensure that LDP2 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.

8.2. In accordance with the relevant legislation, an SEA Screening Report for the SPG has been prepared and submitted to the statutory Consultation Authorities (Historic Environment Scotland, NatureScot and Scottish Environment Protection Agency) for their consideration. They have confirmed SEA is not required.

9. Other Implications

9.1 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.

10. Equality Impact Assessment and Consultation Arrangements

10.1. This report does not introduce a new or recommend a change to existing policy, function or strategy; therefore no impact assessment is required. Consultation has previously been undertaken with residential neighbours to sites, the general public, site community groups and NatureScot.

David Booth

Executive Director (Community and Enterprise Resources)

30 May 2022

Link(s) to Council Values/Ambitions/Objectives

- ◆ Improve the quality of life of everyone in South Lanarkshire
- ◆ Make communities safer, stronger and sustainable
- ◆ Improve achievement, raise educational attainment and support lifelong learning
- ◆ Encourage participation in physical and cultural activities
- ◆ Work with communities and partners to promote high quality, thriving and sustainable communities
- ◆ Accountable, effective, efficient and transparent

Previous References

- ◆ Planning Committee Report 26 February 2019: South Lanarkshire Local Development Plan 2
- ◆ Planning Committee Report 1 December 2020: South Lanarkshire Local Development Plan 2
- ◆ Planning Committee Report: 5 October 2021: Designation of Local Nature Reserves

List of Background Papers

- ◆ South Lanarkshire Local Development Plan 2

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
Ext: 5170 (Tel: 01698 455170)
E-mail: tony.finn@southlanarkshire.gov.uk

Appendices

Appendix 1 – SPG : Local Nature Reserves

Contents

1	Introduction	2
2	Context	3
3	Appendix 1	4

Introduction

Background

- 1.1** Following the adoption of the South Lanarkshire Local Development Plan 2 (SLLDP2) in April 2021 the Council has begun preparation of a series of supporting guidance to support the plan. Section 9 of the Planning (Scotland) Act 2019 has removed the ability of Planning Authorities to prepare new statutory 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, approval and adoption of it 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.
- 1.2** A number of Supplementary Planning Guidance (SPG) documents will be prepared to support the policies in SLLDP2 and provide guidance to developers at an early stage on what will be acceptable so that it can be factored into proposals. In addition this SPG has been prepared specifically to formalise the boundaries of the Local Nature Reserves that are identified in SLLDP2. The context for this is set out in paragraph 6.12 of the Plan. This draft Supporting Planning Guidance was approved by the Planning Committee of South Lanarkshire Council at its meeting on 21 June 2022.
- 1.3** In parallel with the LDP process detailed discussion took place with NatureScot to progress the formal declaration of the LNRs under Section 21 of the [National Parks and Access to the Countryside Act 1949](#) (as amended). NatureScot endorsed the declaration of the LNRs in September 2021 and this was approved by the Council's Planning Committee on 5th October 2021. The formal declaration of the LNRs was concluded in January and February 2022.
- 1.4** The SPG does not introduce new policy or set out any detailed requirements for developers. The Local Nature Reserves have previously been subject to consultation through the LDP process. There is therefore no requirement for further consultation on this SPG. In addition it is not

required to undergo a strategic environmental assessment, habitats regulations appraisal or an equalities impact assessment as these were carried out during the preparation of SLLDP2.

Local Nature Reserves policy

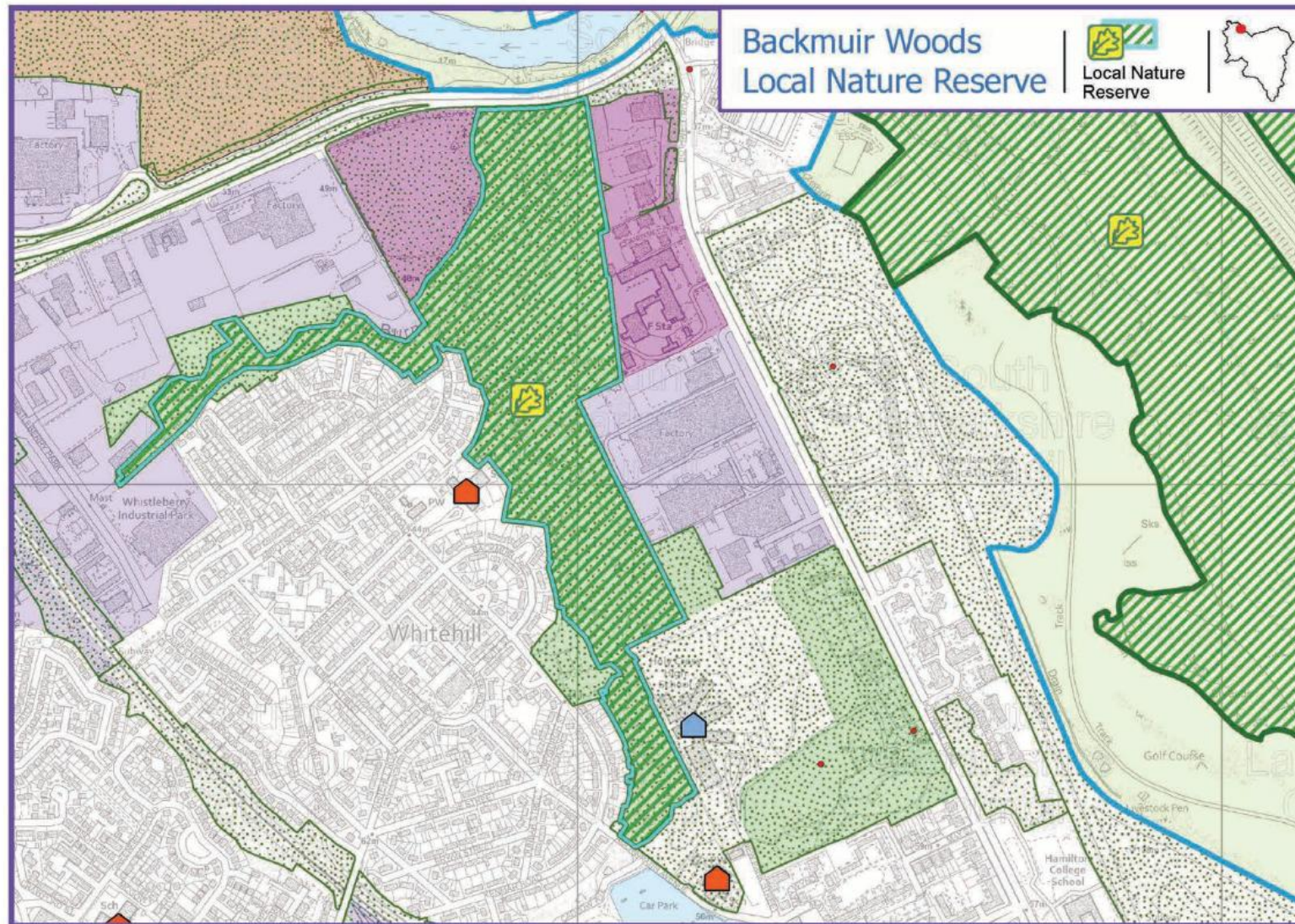
- 2.1** During the preparation of SLLDP2 the provision of 16 new LNRs was proposed together with an extension to the existing Langlands Moss LNR. In turn they would supplement the approved LNR at Morgan Glen in Larkhall.
- 2.2** At that time precise boundaries for each of the LNRs could not be established. As a result indicative boundaries were shown as proposals on the relevant settlement maps in the LDP Proposed Plan that was subject to consultation in 2018. As a result of the representations received a number of minor changes were made to the LNR boundaries. These changes were accepted by the Reporter who carried out the formal Examination of the Proposed Plan, and no recommendation requiring any further changes was made. Nevertheless a number of land ownership issues were still being resolved when the plan was adopted by the Council in 2021. The detailed boundaries were therefore not shown on the settlement Plans at this stage, but instead the locations were shown indicatively with symbols. To address this matter paragraph 6.12 of SLLDP2 states that "The detailed boundaries of the LNR's will be defined through the preparation of management plans for these areas and included in Supporting Planning Guidance"
- 2.3** The Local Nature Reserves in South Lanarkshire are listed in Table 6.1 of SLLDP 2. The plan contains two policies in relation to local nature reserves. Policy 14 - Natural and Historic Environment in Volume 1 is the overarching policy for all natural and historic environment designations whilst policy NHE 15 - Local Nature Reserves is the more detailed policy specifically relating to LNR's. Any development activity within or potentially affecting LNR's must accord with these policies and also take account of the individual management plans for each LNR.
- 2.4** Each site has a draft management statement which gives information on why it is important, and the aims for the site in the future. These documents pull together information about all the sites and give an update on the work done to date, community involvement, and plans for the

future. The draft Management Statements which have been approved are available [on the council website](#).

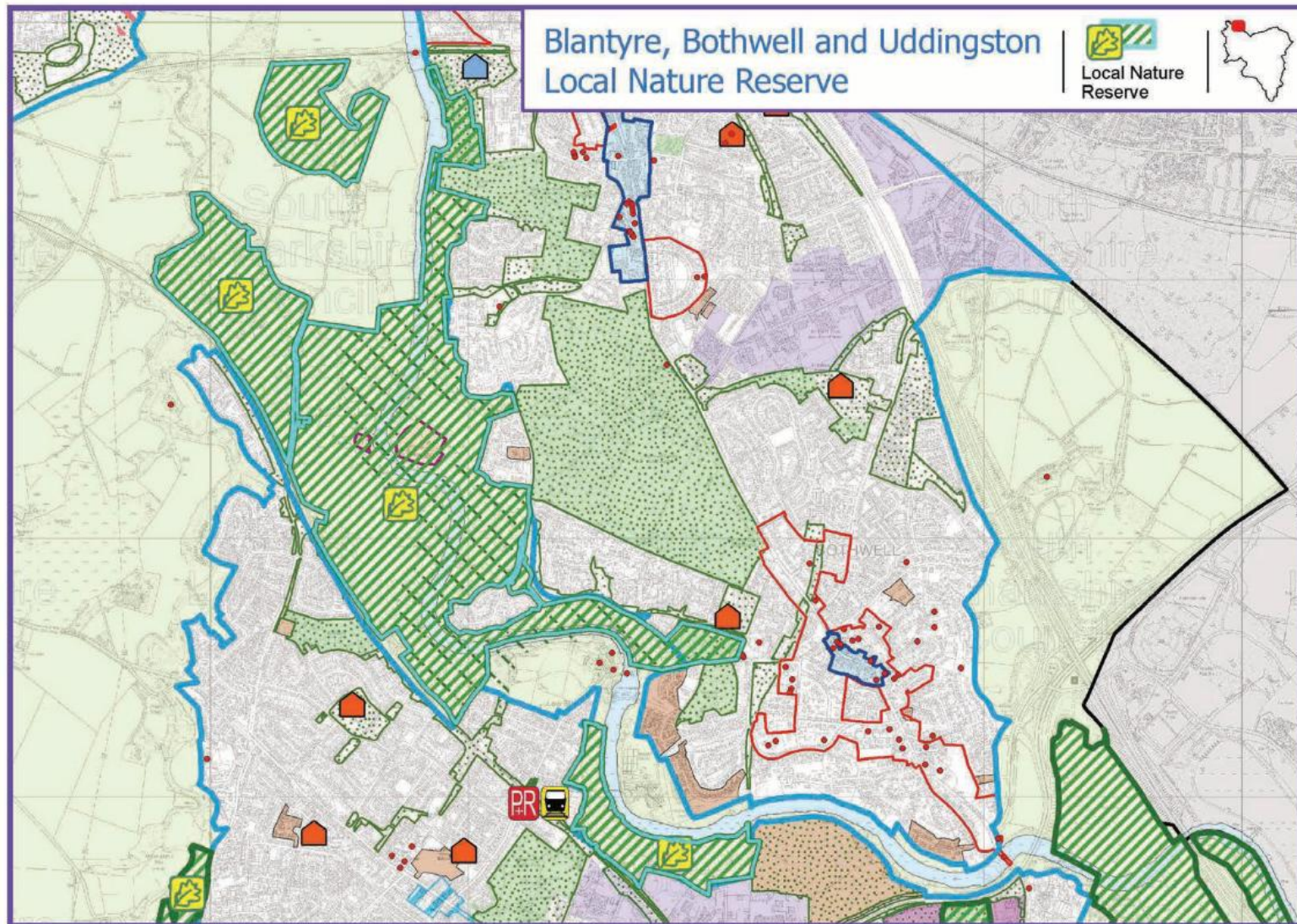
Local Nature Reserve boundary maps

- 2.5** Appendix 1 contains the detailed boundary maps for each Local Nature Reserve as approved by the Council. The maps also show the Local Development Plan policy context. [Click here to see the LDP2 Settlements map Key](#)

Appendix 1

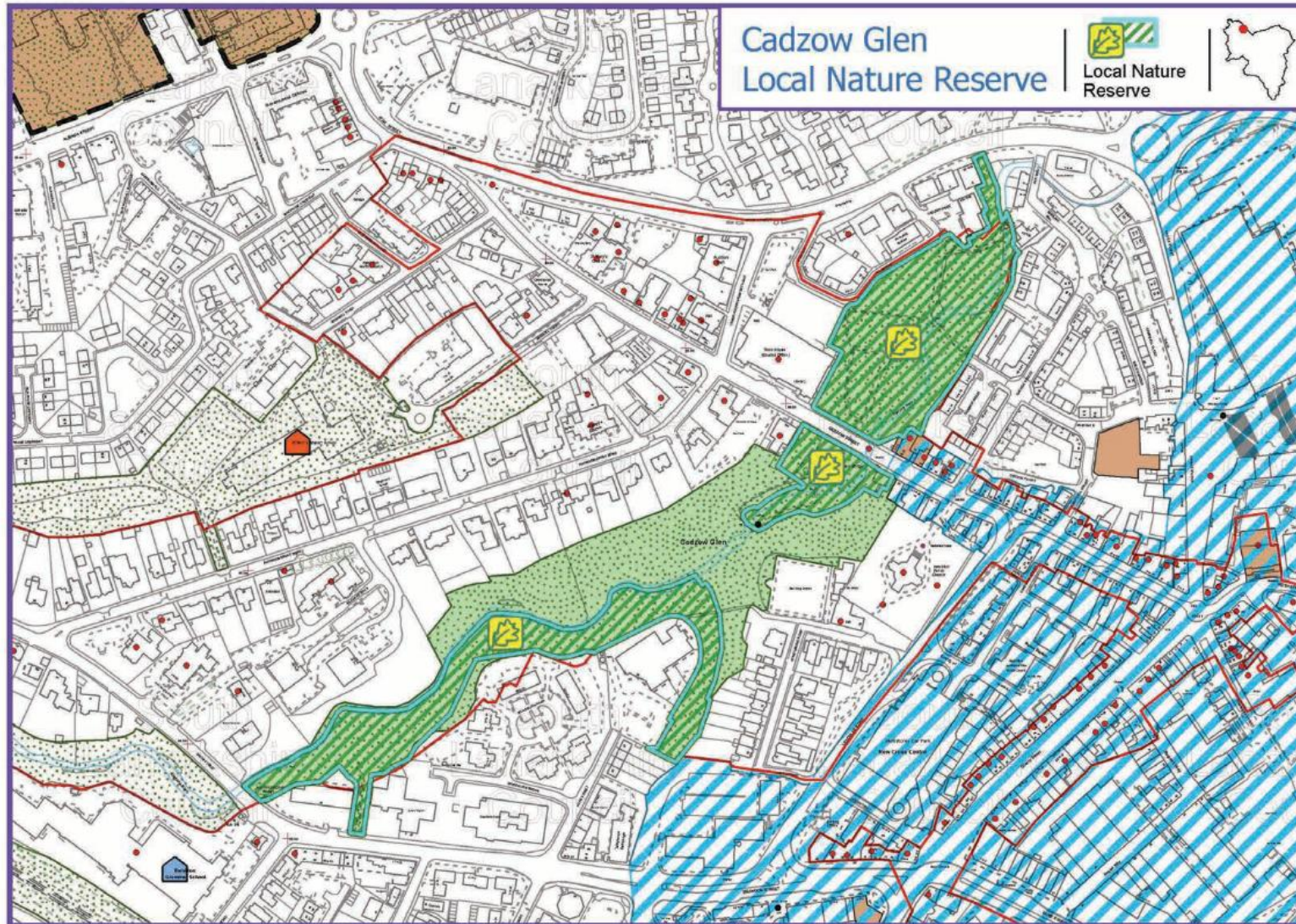


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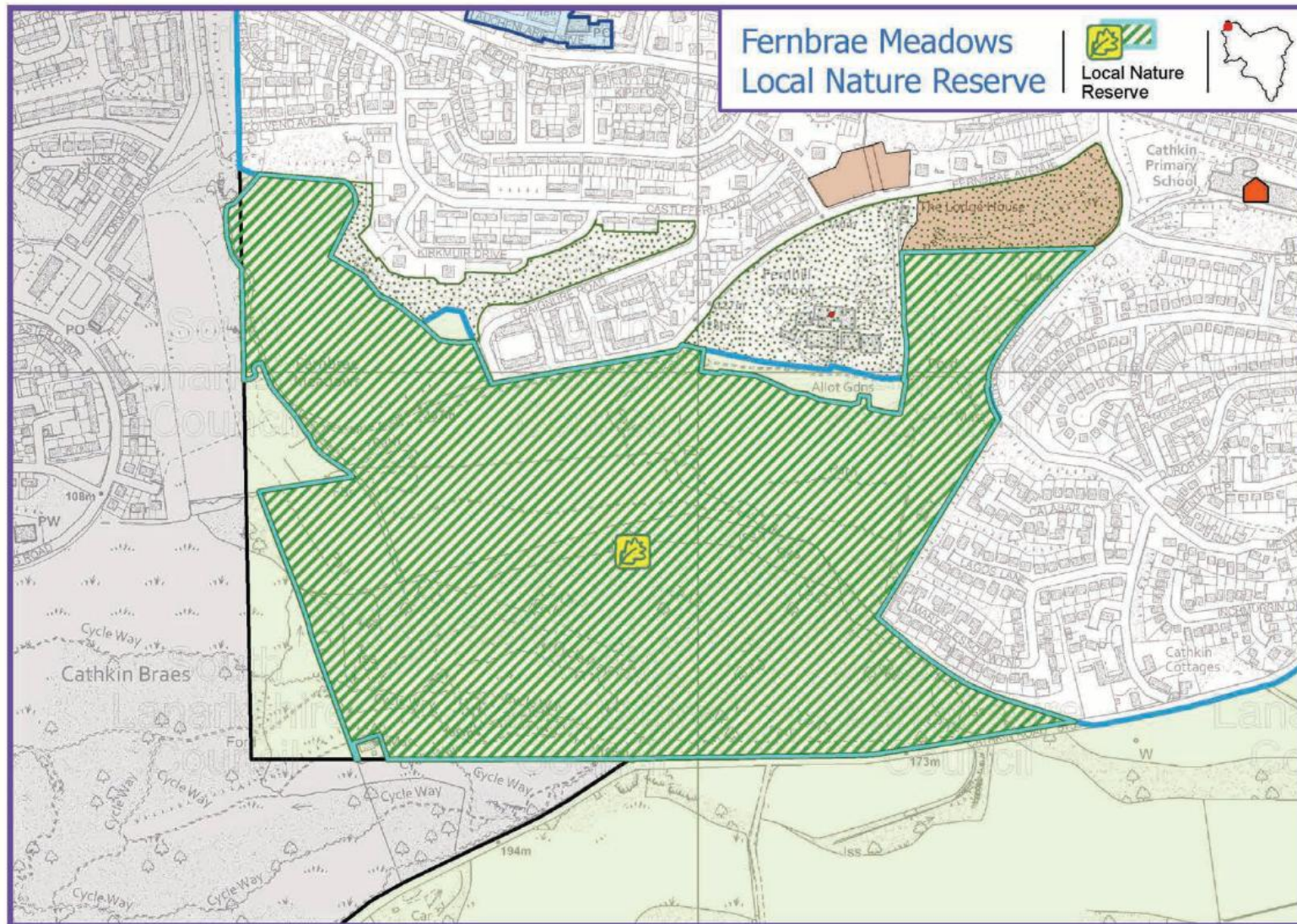


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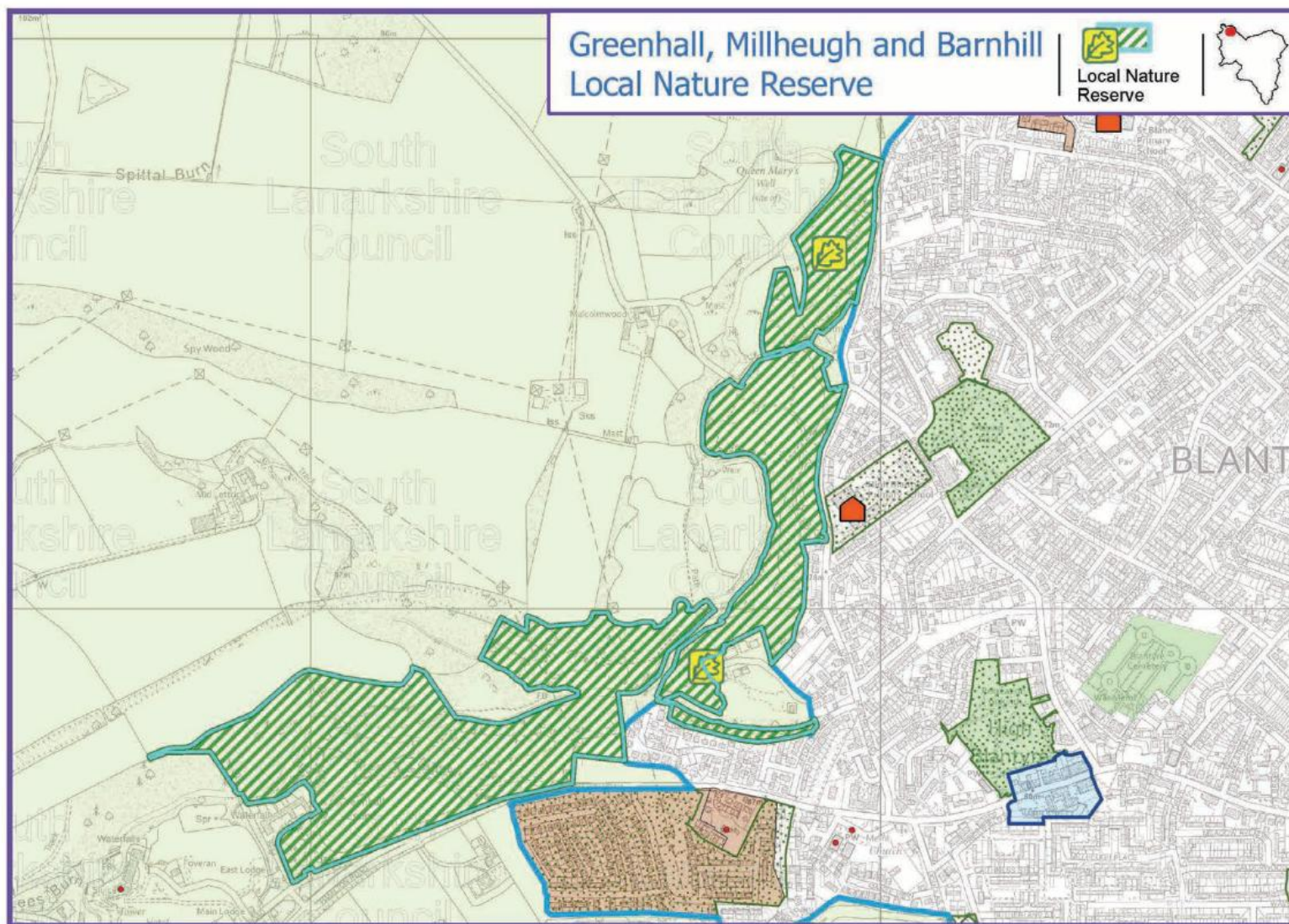


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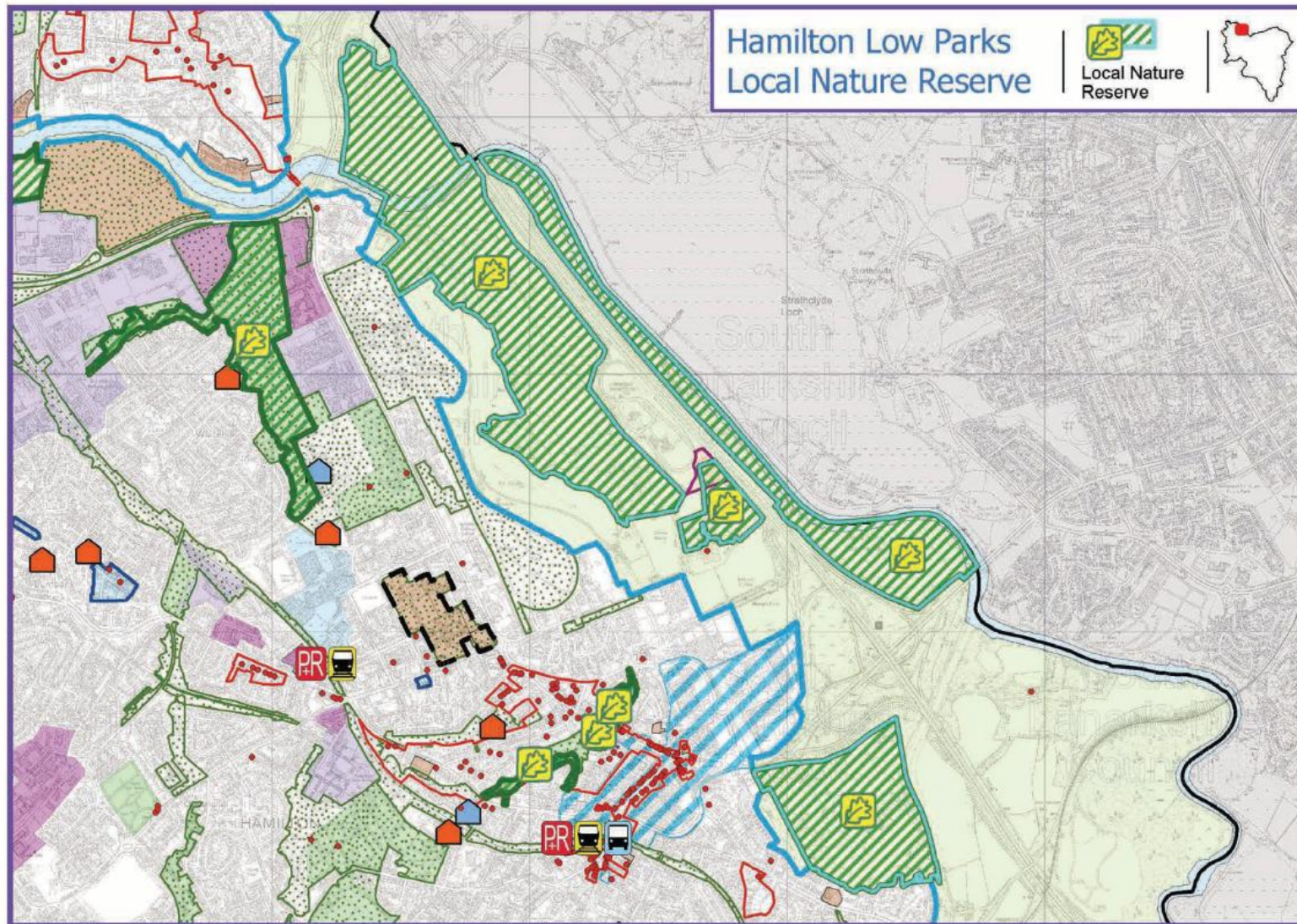


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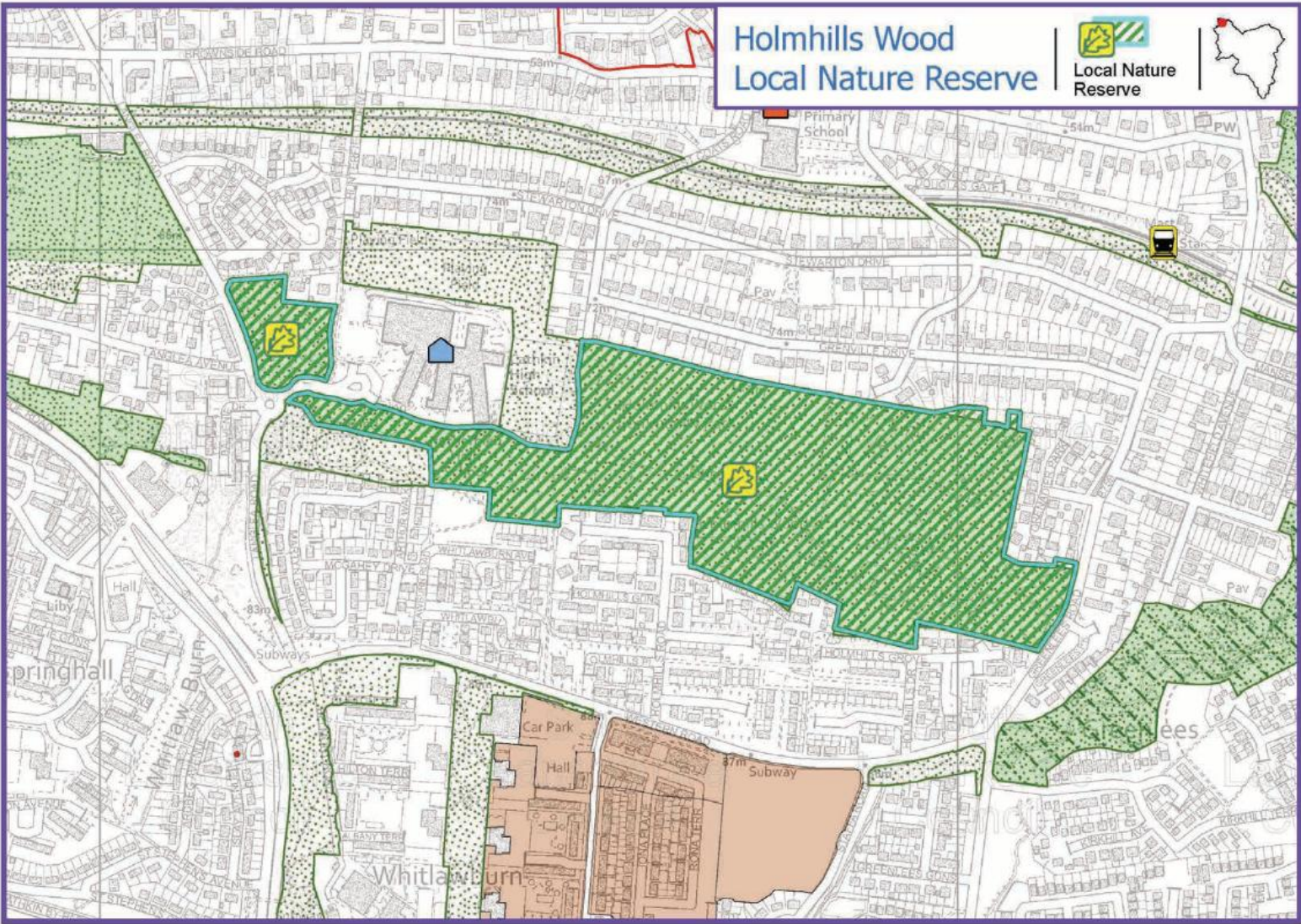


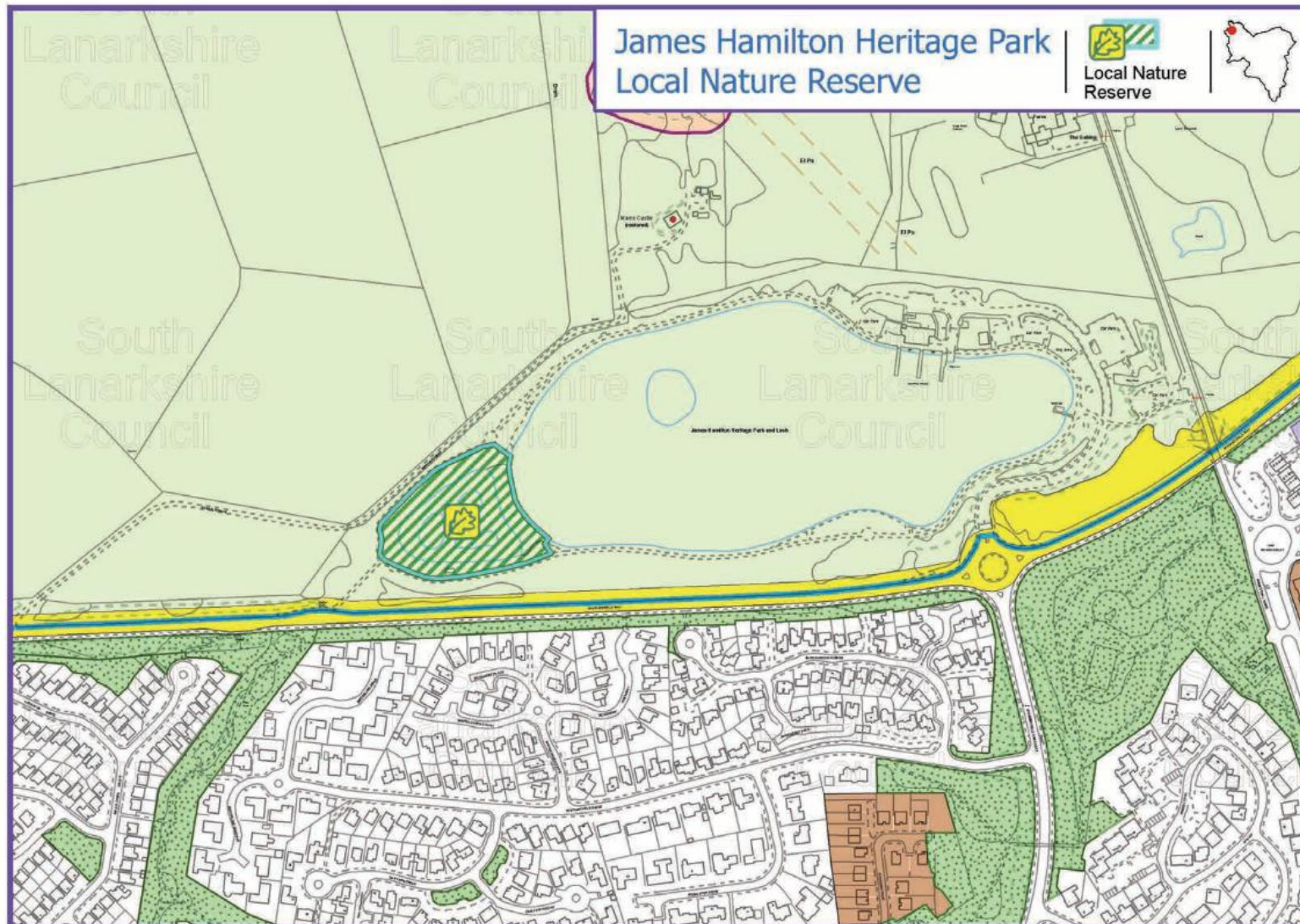
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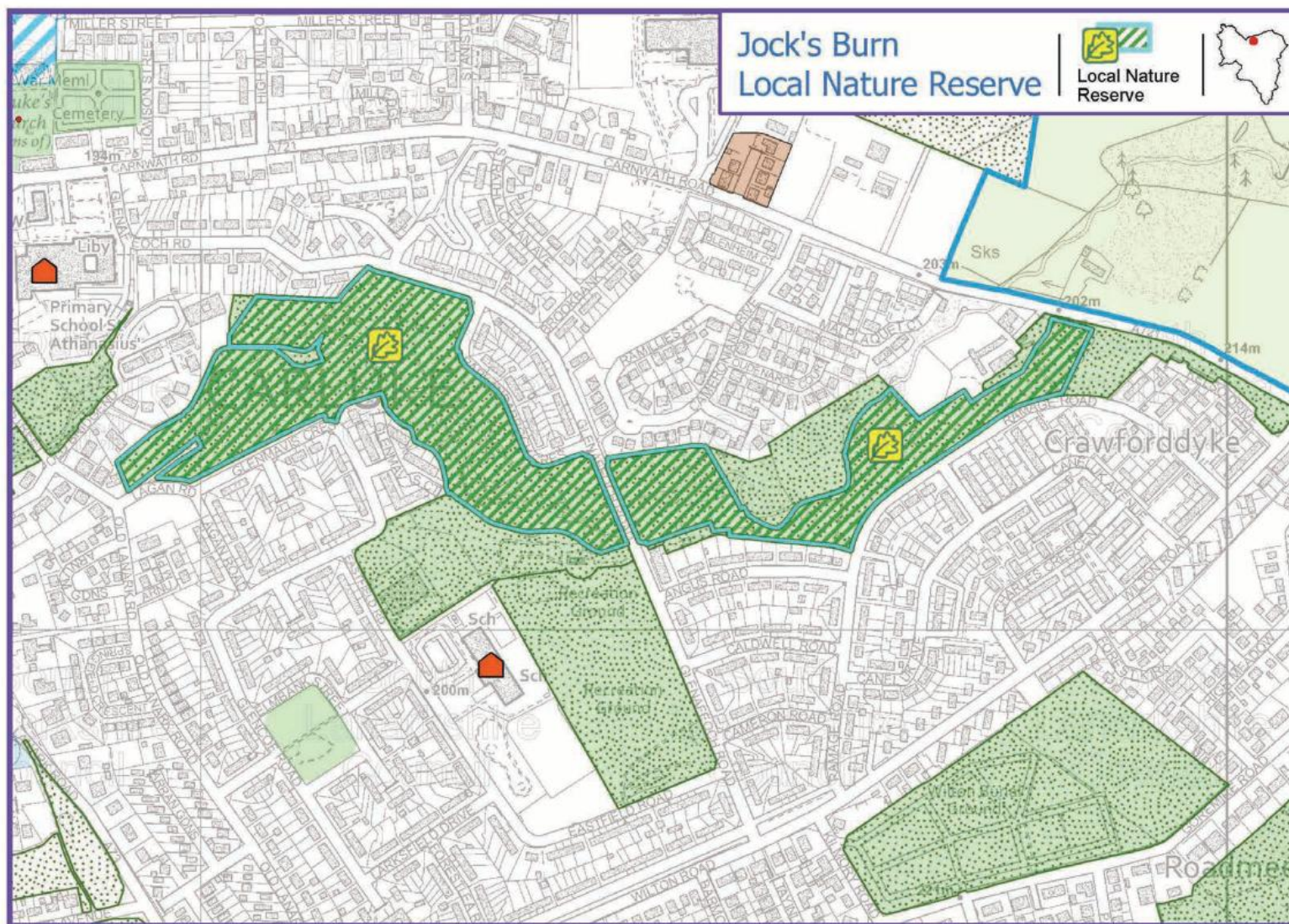
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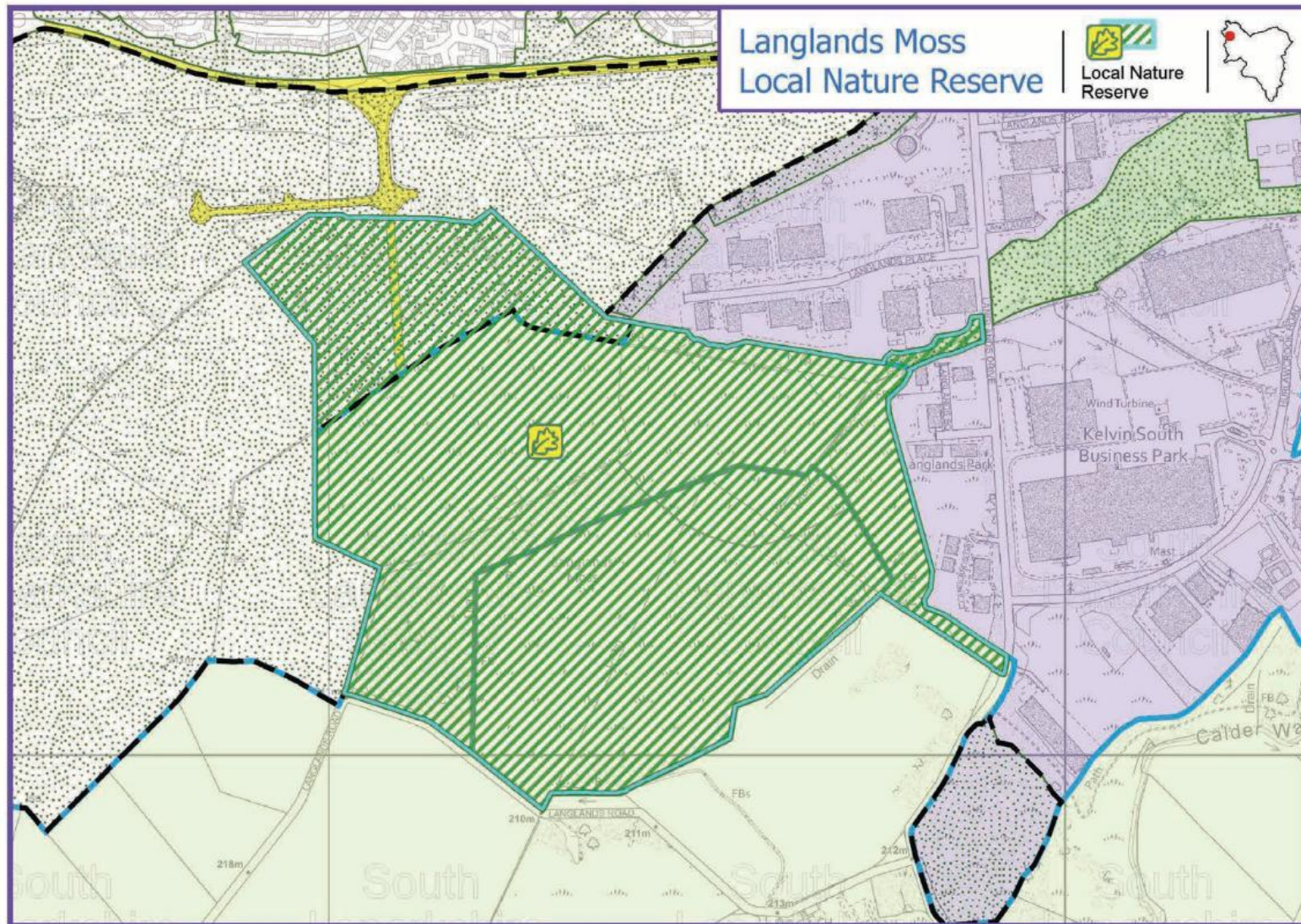




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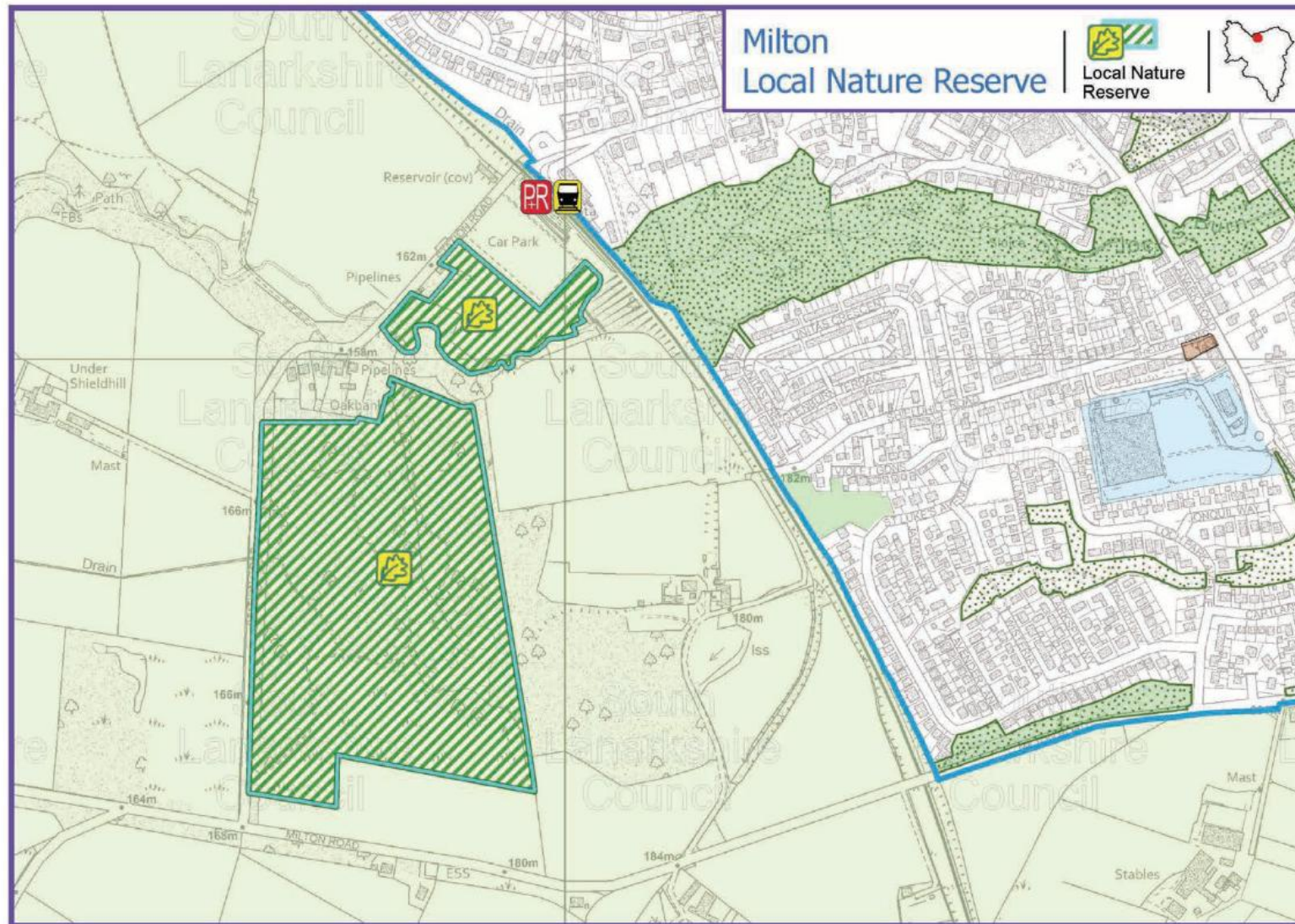


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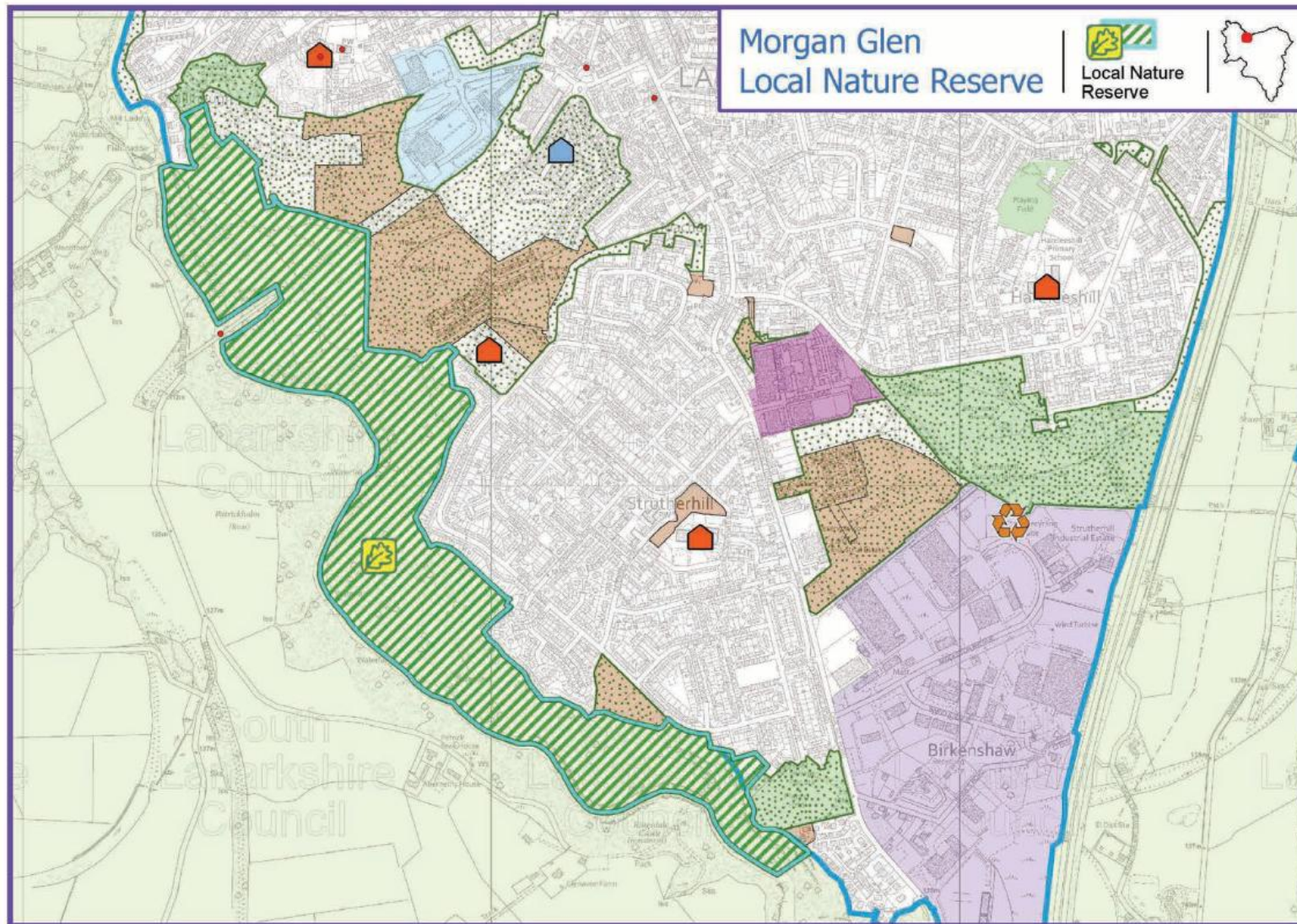


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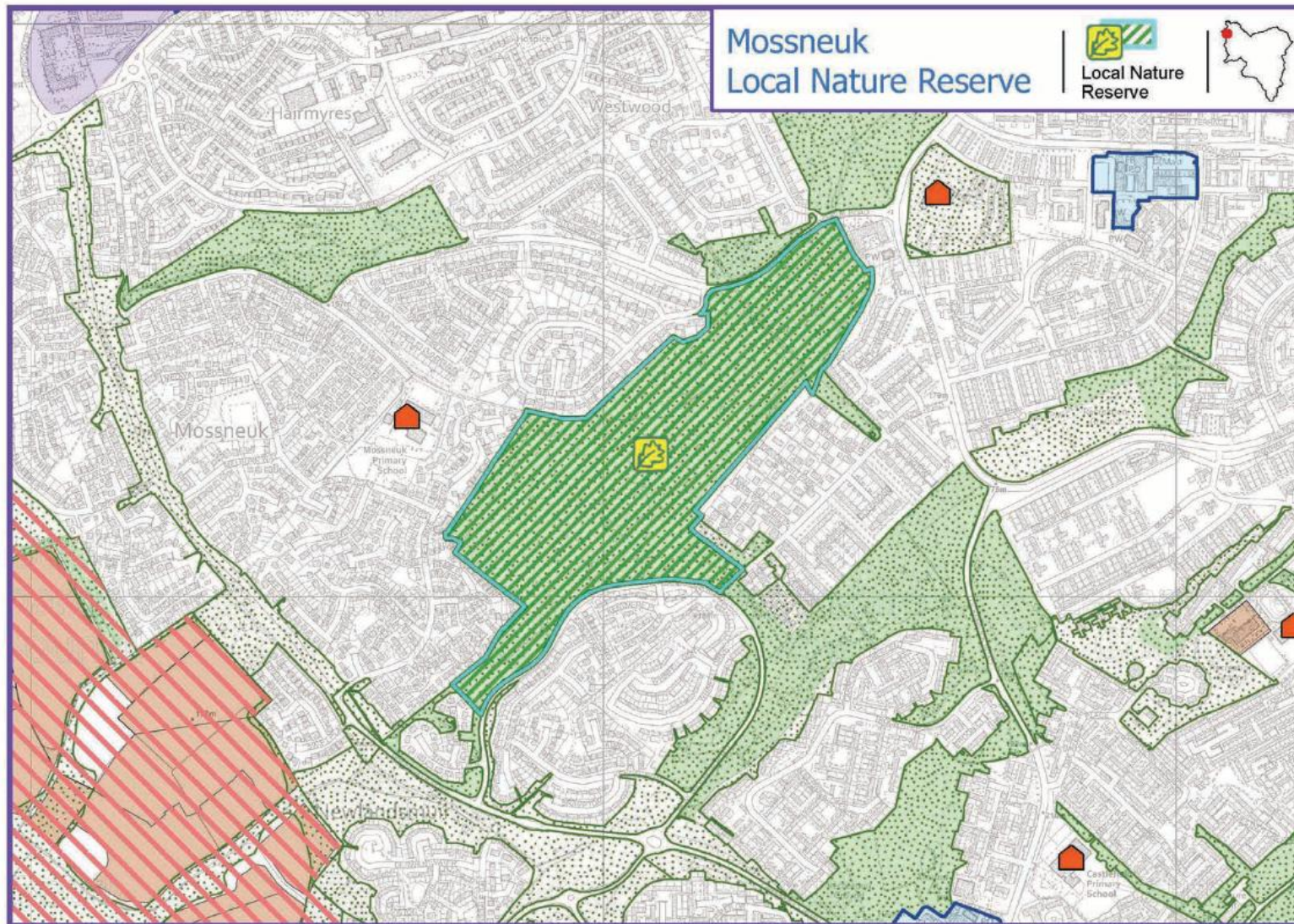
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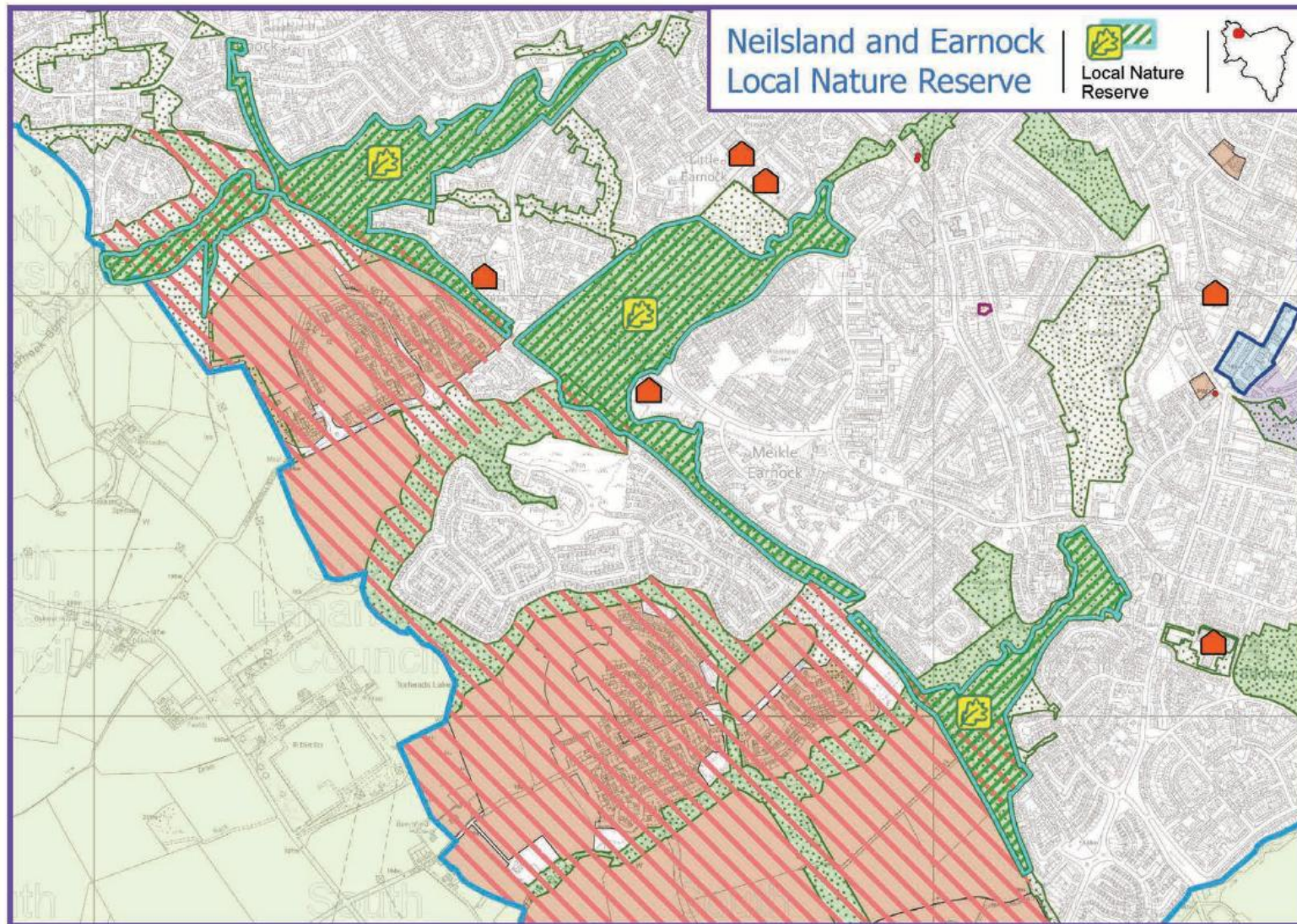
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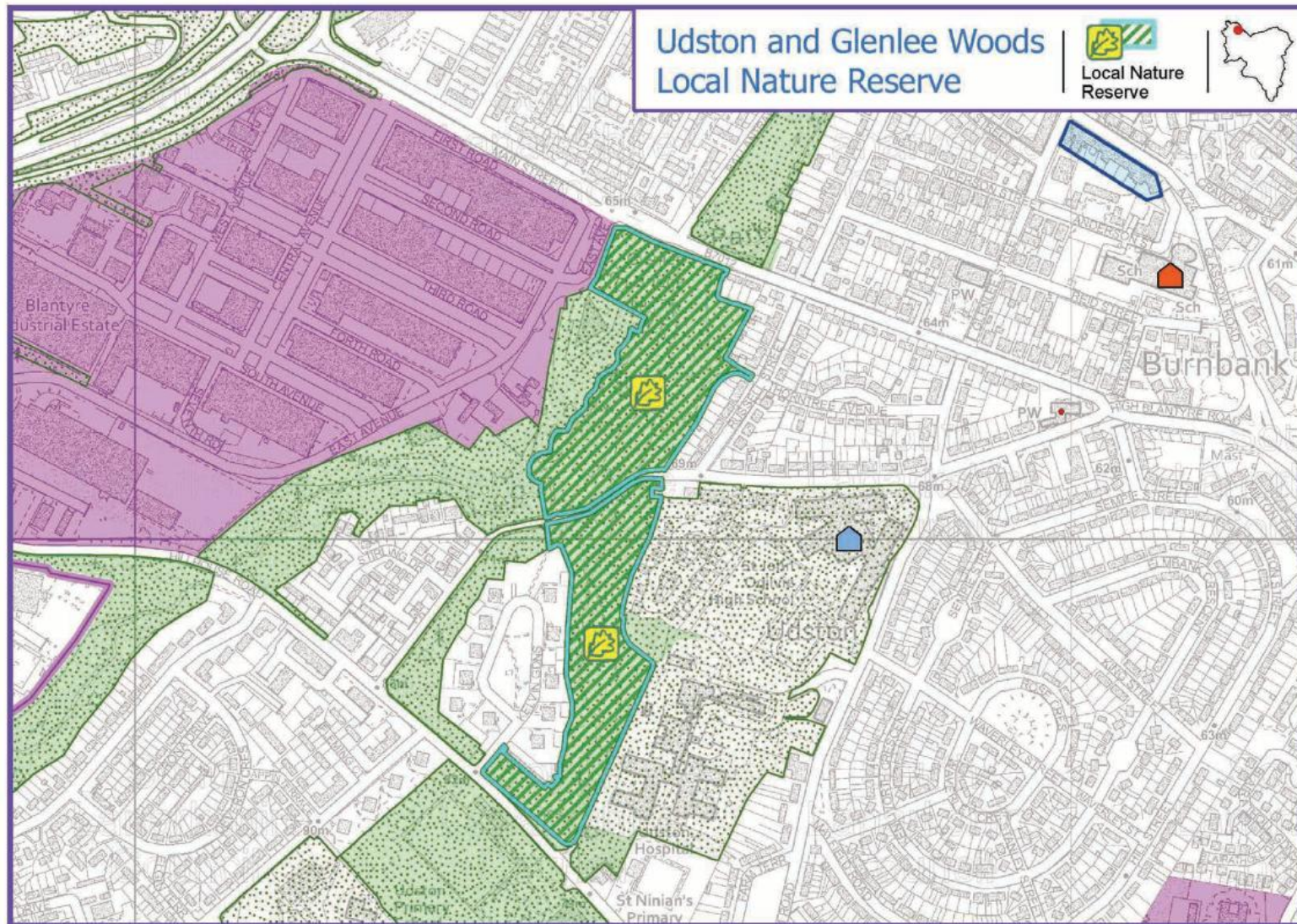
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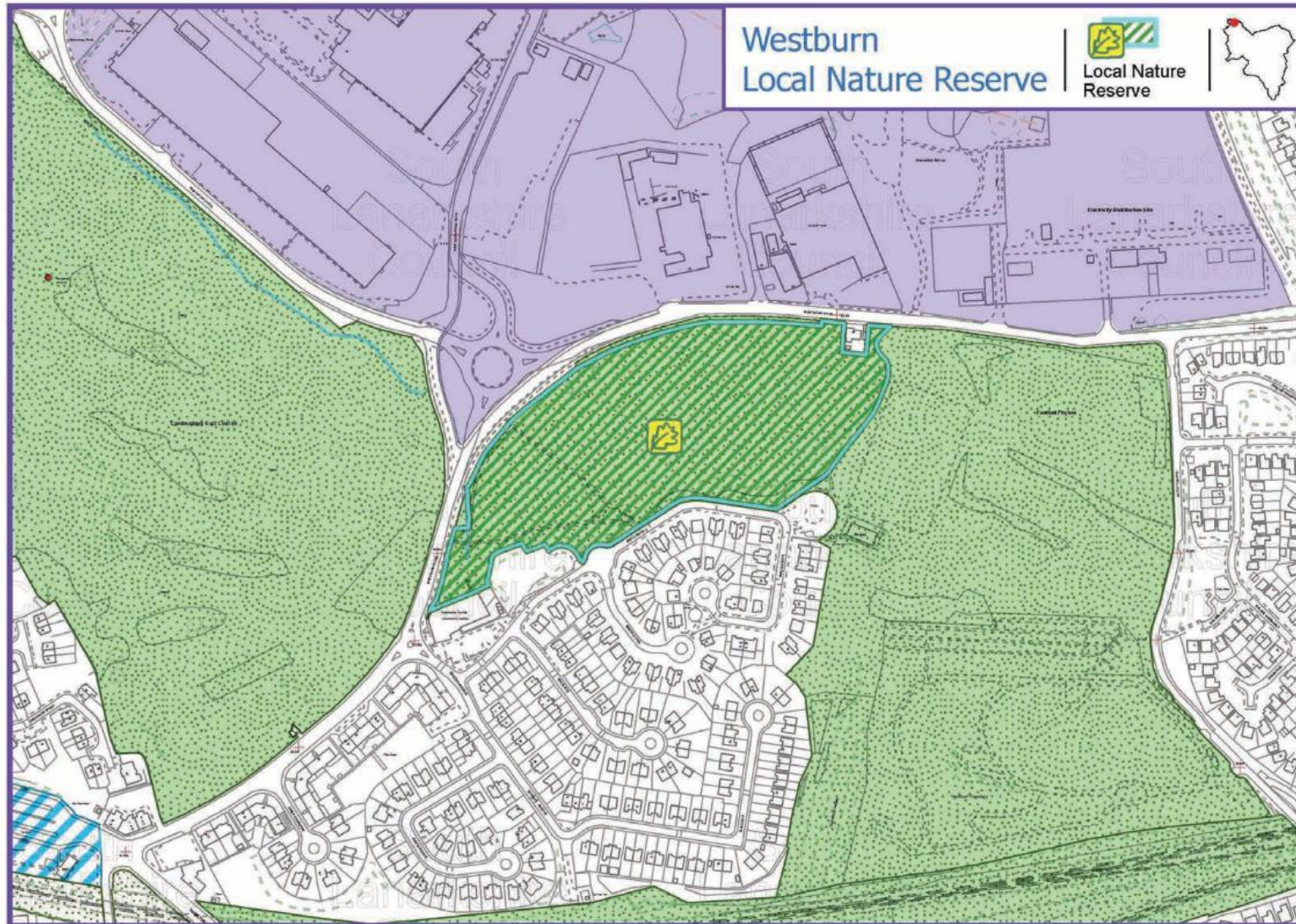


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