

Report

Report to:	Planning Committee
Date of Meeting:	29 March 2022
Report by:	Executive Director (Community and Enterprise Resources)

Subject	Land at Law Place, East Kilbride – Preparation of Supporting Planning Guidance and Development Brief
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1. Purpose of Report

1.1 The purpose of the report is to:-

- advise members of the outcome of public consultation on Supporting Planning Guidance and a Development Brief prepared in respect of land at Law Place in East Kilbride.
- seek approval for the revised Supporting Planning Guidance and associated Development Brief, as set out in the appendix to the report, and thereafter adopt it as the Council's agreed planning position for the site

2. Recommendation(s)

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

- (1) that the Supporting Planning Guidance and associated Development Brief in relation to land at Law Place in East Kilbride, as set out in the appendix to the report, be approved; and
- (2) that the Head of Planning and Economic Development Services be authorised to make drafting and technical changes to the draft document prior to its publication.

3. Background

- 3.1 Members will recall at the meeting of the Planning Committee on 5 October 2021 that a report advising that the Council had received notice of an appeal lodged at the Court of Session by Law Place (East Kilbride) Limited against the adoption of South Lanarkshire Local Development Plan 2 (SLLDP2). The challenge related to the designation of part of the former Rolls Royce site in East Kilbride in the adopted plan as a core industrial and business area on the grounds that the relevant parts of the Town and Country Planning (Scotland) Act 1997 had not been complied with namely that they were not notified of a change to the designation of the site and the consultation on the proposed SLLDP2 carried out in 2018 made no reference to the change.
- 3.2 Following receipt of the notice of the legal challenge, consultation with legal Counsel was undertaken and the view has been taken to concede the appeal. This was authorised by the Head of Administration and Legal Services under the Council's Scheme of Delegation which covers the discharge of the functions of the Council in relation to any type of judicial or quasi judicial proceedings.

- 3.3 In turn, the Council subsequently agreed a Joint Minute with the Appellants agreeing the reasons for, and extent of, the quashing of this part of the Plan. By joint motion the parties agreed that the Council had failed to comply with the terms of Section 18 and 19 of the Town and Country Planning (Scotland) Act 1997 when changing the designation of the Site and thereby erred in law. The Court of Session, by court order dated 23 September 2021, accordingly quashed the SLLDP2 insofar as it designated part of the Old Rolls Royce Site, Mavor Avenue, East Kilbride as a Core Industrial and Business Area.
- 3.4 The effect of this outcome is that there is now a “hole” in the proposals map in relation to the site. It does not replace the previous designation as Green Network or resurrect any previous designation. The Council was required to publicise the decision of the Court and the fact that part of the SLLDP2 is not effective. This was carried out on the Council’s website.
- 3.5 In terms of addressing this position, Circular 6/2013 – Development Planning states that planning authorities may issue non-statutory Supporting Planning Guidance (SPG) to set out the Council’s position on a range of subject matters. Adoption of this guidance by the Council gives it a formal status, meaning that it will be a material consideration in decision making on planning applications. The Planning Committee in October 2021 agreed with the recommendation to approve the SPG that had been prepared to establish the Council’s position in terms of spatial planning policy for the site (namely identify the site as suitable for industrial and business development) and an associated Development Brief prepared to provide detailed guidance for developers of the site. Members also agreed that a 6 week consultation exercise be carried out.

4. Current Position

- 4.1 Consultation was carried out on the SPG and Development Brief between 20 October and 3 December 2021. This included sending a consultation request to the landowners, placing an advertisement in the East Kilbride News and publicising the consultation on the Council’s website. In addition, consultation was carried out with a number of statutory consultees. As a result of the publicity, 16 letters of representation were received. One of these was submitted on behalf of the current landowners (which included a noise impact assessment in relation to a potential residential development on the site), a further 14 were received from residents in the adjoining residential development and finally comments were received from Scottish Water. The points raised are summarised as follows;

Holder Planning on behalf of Law Place (East Kilbride) Limited

- a) **The conclusion in the draft SPG that the site is unsuitable for residential development due to noise from the adjoining industrial premises is wrong. The NIA shows residential development can be accommodated without significant impact on residents.**

Response: The NIA does in fact conclude that the site is subject to noise which generates a high risk of an adverse effect such that complaints from future residents may be expected for up to 50% of the site. To mitigate this, the NIA suggests a four storey block with no amenity space between it and the adjoining business (an indicative plan shows car parking in this intervening area) and no habitable rooms on the elevation facing the business. In addition, a glazing and ventilation strategy would be required to prevent the need for windows to be opened for comfort cooling.

Environmental Services have reviewed the NIA. They have advised that whether the mitigation proposed is acceptable cannot be determined at the 'in principle' stage such as this and that more detail is required. Nevertheless, it is clear that significant mitigation is required as the noise levels represents a high risk of an adverse effect. In addition, the sound pressure levels measured are above relevant standards and would better suit a non-residential use. In planning terms, the proposals would result in no dedicated enclosed amenity space for residents in the block referred to. The visual impact of a large block of this scale is also likely to be significant and not enhance the character of the area. In effect, the block would act as barrier to noise within the rest of the development, a solution that is not considered appropriate. In view of this, it is not considered that a residential development could be achieved without impacting significantly on a wide number of future residents.

- b) **An indicative layout has been submitted which the landowners consider shows a residential development can be accommodated on the site while meeting Council standards.**

Response: The key issue relates to whether the site should be allocated for industrial and business development as originally intended or whether an alternative use, in this case housing, is appropriate. For the reasons set out later in the report it is concluded its development for employment use is the most appropriate in land use terms. Whether a residential development that complies with standards can be achieved is not relevant.

- c) **A significant number of residents in the adjoining new housing development object to the site being developed for industrial/business use.**

Response: A total of 14 representations have been received from the 354 units in the adjoining development.

- d) **The proposed layout shows a road access from Law Place which their transport consultants consider is the preferred one to other options.**

Response: The preference of Roads and Transportation Services is for access to the site to be via Leesburn Place and not Law Place. In the event that this cannot be achieved, then the developer would have to show that access from Law Place could satisfy a number of constraints in relation to sightlines and junction spacing and take account of the differences in ground levels between the site and Law Place. These matters were detailed in the draft Development Brief which also advises that a Transport Assessment would be required. The representations received fail to address these key issues and therefore it cannot be concluded that the proposals would not have an adverse effect on road safety.

- e) **The SPG should be amended to allow residential development to be included as an alternative land use. The site is an urban brownfield infill site where residential development should be supported.**

Response: The report to the Planning Committee in October last year and the SPG set out in clear terms the reasons why residential development would not be acceptable and why industrial/business use was the preferred land use for the site. This position has not changed and the reasons for the preferred land use are summarised later on in the report. The landowner has failed to address any of these reasons including demonstrating that there is sufficient industrial land supply in the Council area as a whole and in East Kilbride in particular and that there is a shortfall in housing land supply in the same context. It would have been expected that a detailed response would have been provided to strengthen their representations but this has not been the case.

Individual representations

- a) **The proposals for industrial development will affect the surrounding environment, house prices and the livelihoods of young families.**

Response: Any proposals for the site would be expected to meet existing environmental standards and guidelines including noise, air quality, traffic generation and sustainability. Measures to reduce greenhouse gas emissions and help achieve net zero targets and enhance biodiversity and green network would also be expected. It is not clear how livelihoods of local residents would be affected. The effect on house prices is not a planning matter.

- b) **The noise impact of industrial/business use. The area is already surrounded by shops, light industry and warehousing and noise from them can be heard through the night.**

Response: The wider area is characterised by employment uses within the Nerston Industrial Estate established long before the new housing on the former Rolls Royce site was developed. The retail warehouses in the area were also in operation before the new housing. In addition noise attenuation between the new housing and the site has already been provided in the form of a bund and fencing. Any future planning application would be accompanied by a further NIA to determine whether further noise mitigation was required to address the specific characteristics of the end users.

- c) **The proposals would result in an increase in traffic.**

Response: The SPG makes clear that a Transport Assessment or a lesser Transport Statement will be required to be submitted with any future planning application. This will assess the effect of proposals on the local road network. A TA has not been submitted by the landowner.

- d) **Concerns that a tall building would block daylight from new houses and their gardens.**

Response: Any proposals for the site would be expected to comply with the current guidelines on daylighting and overshadowing. The draft development brief advises that the scale of any building should not visually or physically dominate the existing 2 storey houses. The brief has been amended to make reference to the issues of loss of light and overshadowing and the need for proposals to address them.

- e) **Concerns have been raised with the Council about the safety of footpaths along Law Place and speeding vehicles on Law Place**

Response: The development brief requires a continuous 2m footway to be provided along the frontage of the site. In addition, a Transport Assessment or Transport Statement will be required to be submitted with any future planning application. This will assess the effect of proposals on the local road network. A TA has not been submitted by the landowner.

- f) **There are already enough areas in East Kilbride zoned for industrial use.**

Response: The provision of a range of employment sites for varying types and sizes of end users is a key objective of the SLLDP2 to ensure local employment opportunities and sites for inward investment are maintained.

Scottish Water

- a) **They advise they have no objections to the designation of the site for industrial/business purposes. This should not be taken that the site can be serviced and developers should contact them to discuss their water and waste water needs.**

Response: The development brief has been updated to reflect these comments.

- 4.2 It should be noted that since the consultation on the SPG, the landowners submitted a Proposal of Application Notice (PAN). This sets out proposals for statutory pre-application consultation they must carry out in advance of the submission of a planning application, in this case for residential development on the site. The proposals include online events and consultation with local members. The outcome of this process is unknown. However, legislation requires a Pre-Application Consultation report to be submitted with any planning application which will detail the responses received by the landowners and what steps they have taken to address the issues raised.

5. Assessment and Conclusions

- 5.1 The preparation of the SPG and Development Brief arose out of the quashing of part of SLLDP2 relating to land at Law Place in East Kilbride and a requirement to set out the Council's preferred position on the future development of this site. Following public consultation of the documents that were approved by the Planning Committee last year, representations have been received from the landowners and a small number of local residents as described above. Following consideration of the responses, it is considered that the intended designation of the land as a Core Industrial and Business Area remains appropriate. The reasons for this are set out as follows.
- 5.2 The site historically formed part of the extensive former Rolls Royce site at Law Place in East Kilbride. Planning permission granted in 2016 for a mixed-use development included an approved masterplan which delineated three distinct land uses within the site namely residential development, a retail/commercial area and land identified for industrial/business use (the land the subject of the SPG and brief). The new residential development to the east is largely complete and two retail units have been erected which are now operating. As a result, the 2016 consent is extant. The Law Place site itself is separated from the new housing by a noise attenuation bund and acoustic fencing to protect residents from proposed and existing employment uses. There is no physical connectivity between the residential development and the site.
- 5.3 Land on the three remaining sides of the site is entirely commercial in nature comprising manufacturing and trade premises and they form part of the wider Nerston Industrial Estate also designated as a Core Industrial and Business Area. The development of the site for employment purposes would therefore be in keeping with the established character of the area. The 2016 planning permission is subject to a condition limiting the use of the employment area to classes 5 (General Industrial) and 6 (Storage and Distribution). Following approval of the masterplan, the site has been included in the Council's industrial land supply since 2018 as a potential marketable site. In addition, an application has not been made to amend the approved masterplan or the condition in terms of alternative uses for the site.
- 5.4 Demand remains for larger sites in East Kilbride to be identified both for speculative and bespoke developments. An analysis of the East Kilbride Industrial Land Supply carried out in July 2021 shows that there has been a 37% reduction in the overall marketable supply since 2015 (27.45 hectares now compared to 43.44 hectares in 2015). Since 2015 a total of 6.35 ha has been developed for industry and business in East Kilbride, an annual average of just over 1 ha per annum. In addition, a number of the sites within the current industrial land supply already benefit from extant planning consent and may be developed in the short term. This results in just under 12 hectares of unconsented land being available for new industrial/business development. Many involve small plots within the Scottish Enterprise Technology Park and are only suitable for smaller class 4 type developments. The availability of larger sites for class 5/6 uses is more limited, particularly in the northern part of East Kilbride.

- 5.5 Recent developments and proposals indicate there is still a demand for larger sites in East Kilbride both for speculative and bespoke developments. These include the development of 4.5 hectares at College Milton for a whisky blending centre; development of class 4/5/6 speculative units at plot 1 Kelvin South (0.8ha) and the recent application for a vehicle storage and distribution centre on the former Freescale site at Kelvin industrial estate (12 ha).
- 5.6 In addition, the Strategic Business case for the Stewartfield Way City Deal project was updated in June 2021 and this site is one that is identified as contributing to the economic outputs that the Stewartfield Way project will deliver. These proposals would improve the transport network at the two roundabout junctions between the exit to the East Kilbride Expressway and up to and including the Kingsgate Retail Park and dual the road from Kingsgate Retail Park to James Hamilton Heritage Loch which will help increase the road network capacity and improve the attractiveness of the site to investors. There is an increased level of enquiries for industrial sites that are well located, particularly in relation to key transport routes.
- 5.7 In terms of residential development on the site, a minimum 5 year effective housing land supply is available throughout the lifetime of the adopted SLLDP2 as required by Scottish Planning Policy. The site has not been allocated as a new housing site in SLLDP2. The planning permission for the wider Rolls Royce site is subject to a condition that limits the number of housing units that could be developed to 354. This was in recognition of the impact additional units would have on the local road network. Furthermore, the site is bounded on three sides by existing industrial and business use which would mean new housing would be out of keeping with the character of the surrounding area which is a long established employment base for East Kilbride. In particular, the site is immediately adjacent to noisy industrial activity that operates on a 24 hour basis to the south. As a result, housing development on the site would not be appropriate.
- 5.8 The Scottish Government published its draft National Planning Framework 4 (NPF4) for consultation in November 2021. When this is approved by Scottish Parliament it will have the status of being part of the Development Plan alongside the LDP. The draft document sets out the Government's national spatial strategy for Scotland to 2045. A clear aim is to support new and expanded businesses and investment, stimulate entrepreneurship and promote alternative ways of working in order to build a wellbeing economy. LDPs are to include proposals to meet requirements for employment land, infrastructure and investment that supports a greener, fairer and more inclusive wellbeing economy. In addition, a deliverable housing land pipeline should be established to ensure sufficient land is allocated to meet the Housing Land Requirement that create quality places for people to live. Given the earlier comments about the industrial land supply context in East Kilbride, it is considered the loss of the Law Place site would have a detrimental impact on maintaining appropriate employment land opportunities to meet demand. In addition, a housing land supply in excess of 5 years is already available and deliverable. Finally, the development of the site for new housing would not create a quality place for future residents given the character of the immediate area.
- 5.9 It is therefore recommended that the original principles of the Supporting Planning Guidance (SPG) and associated Development Brief, attached as Appendix 1, are appropriate and that the identification of the site for industrial and business purposes remain unchanged. In particular, residential development on the site is not appropriate. A number of minor updates have been made to the proposed documents to reflect responses received as a result of the public consultation and changes to national and local policy and guidance since the draft documents were published. If members agree

with this recommendation, it is intended that, following the making of drafting and technical changes to the documents, they will be published on the Council's website. Thereafter they will be a material consideration for any planning applications for the site.

6. Employee Implications

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

7 Financial Implications

- 7.1 None.

8. Climate Change, Sustainability and Environmental Implications

- 8.1. Local Development Plans are subject to the requirements of the Environmental Assessment (Scotland) Act 2005. They, therefore, have to be subject to Strategic Environmental Assessment (SEA). Where appropriate, other forms of assessment should be undertaken to meet legislative requirement and/or Council/Community Planning policy, namely; Habitats Regulations Appraisal, Equality Impact Assessment and Health Impact Assessment. The adopted South Lanarkshire Local Development Plan 2 was the subject of both SEA and a Habitats Regulations Appraisal. The site is identified in the Plan for new development and has therefore already been subject to SEA. No further assessment is required. An Equality Impact Assessment and Health Impact Assessment were also carried out during the preparation of the Plan.

9 Other Implications

- 9.1 The failure to have spatial policy and planning guidance for the site would undermine the Council's strategic vision of promoting sustainable economic growth in South Lanarkshire.

10. Equality Impact Assessment and Consultation Arrangements

- 10.1 An Equalities Impact Assessment (combining Child Rights and Wellbeing Impact Assessment) was not specifically required for the documents (see 8.1 above). Consultation was carried out on the draft documents as described in the report.

David Booth

Executive Director (Community and Enterprise Resources)

17 March 2022

Link(s) to Council Values/Ambitions/Objectives

- Demonstrating governance and accountability
- The efficient and effective use of resources and managing and improving performance

Previous References

- Report to Planning Committee 1 December 2020

List of Background Papers

- Planning (Scotland) Act 2019
- Circular 6/2013 – Development Planning
- South Lanarkshire Local Development Plan 2 adopted April 2021
- Planning Committee 5 October 2021 - South Lanarkshire Local Development Plan 2 – Legal Challenge

Contact for Further Information

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

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Appendix

Supporting Planning Guidance - Land at Law Place, East Kilbride

1. INTRODUCTION

- 1.1 The South Lanarkshire Local Development Plan 2 (SLLDP2) was adopted by the Council on 9 April 2021. An appeal to the Court of Session by the landowners of part of the former Rolls Royce site on Law Place in East Kilbride resulted in the designation of the site in SLLDP2 as a core industrial and business area being quashed. A plan showing the location of the site is found on Plan 1. This in effect means the land has no designation in the adopted plan. This supporting planning guidance has been prepared to establish the Council's position in terms of spatial planning policy for the site following this outcome. It identifies the land uses that will be acceptable at the site and sets out (in the form of the accompanying development brief) the criteria that will be used by the Council in the determination of any planning application that is submitted.
- 1.2 Circular 6/2013 – Development Planning states that planning authorities may issue non-statutory planning guidance without having to comply with the procedures involved in the production of statutory Supplementary Guidance (SG). Non-statutory planning guidance may be used to provide detail on a range of subject areas. This form of guidance does not form part of the development plan. However, adoption of this guidance 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 scrutiny by Scottish Ministers. Since the publication of the circular, the Planning (Scotland) Act 2019 has received Royal Assent. Section 9 of the Act repeals the ability of Planning Authorities to prepare SG in the future. As a result, it is considered appropriate to prepare non statutory guidance to address the issue described above.
- 1.3 Site Location and Description
The site historically formed part of the extensive former Rolls Royce site at Law Place in East Kilbride. Following the closure of the Rolls Royce facility, the land was cleared of any buildings. Its redevelopment has resulted in a new residential development to the east that is largely complete and the erection of two retail units which are now operating. The site itself is vacant and comprises a flat hardstanding area. It is separated from the new housing by a noise attenuation bund and acoustic fencing. There is no physical connectivity between the residential development and the site.
- 1.4 Land on the three remaining sides of the site is entirely commercial in nature comprising manufacturing and trade premises and they form part of the larger Nerston Industrial Estate. Located to the southern boundary is an existing industrial unit operated by a packaging manufacturer, Multi Packaging Solutions (MPS), with vehicle access via Leesburn Place.

2 BACKGROUND

- 2.1 The overall Rolls Royce site was identified as a Development Framework Site (DFS) in the South Lanarkshire Local Development Plan 1 (SLLDP1) adopted in 2015. The Development requirements for the site were set out in Appendix 3 of the Plan. The site was to comprise a mixed use development including industry/business/commercial uses with a masterplan required to demonstrate how proposed uses would integrate with adjoining land uses. In addition the Proposals Map identified the entire former Rolls Royce site as Green Network to indicate that green network provision would be required in the redevelopment of the site.
- 2.2 Planning Application EK/15/0408 for a mixed use development (including residential, employment and retail uses), landscaping, parking and associated infrastructure was submitted in December 2015 after SLLDP1 was adopted. It included a masterplan showing the majority of site being identified for residential development with a retail area in the north east corner and an employment area on the north western part of the site (the land the subject of this planning guidance). The application was approved in September 2016. As the residential and retailing elements of the masterplan have been largely implemented the planning permission is extant.
- 2.3 A plan showing the approved masterplan layout is attached as Plan 2. It shows that the primary access to the employment land would be from Leesburn Place through the existing site occupied by Multi Packaging Solutions with a secondary access also proposed from Law Place for service vehicles. A landscape buffer, in the form of a bund, to separate the proposed and existing employment from the new residential development to the east is also identified.
- 2.4 The planning permission was subject to conditions limiting the use of the employment area to classes 5 and 6 (General Industrial and Storage/Distribution) and the number of housing units on the residential element to 354. This was based on the outcome of the Transport Assessment submitted with the application.
- 2.5 Preparation of the proposed SLLDP2 started in 2016 by which time work had commenced on the housing element of the masterplan and planning permission granted for the retail element. As a result the Development Framework Site designation was no longer required. The DFS designation covering the site was therefore removed in the proposed SLLDP that was published for public consultation in June 2018. The Proposals Map that now forms part of the adopted SLLDP2 designates the residential and retail areas in the masterplan site as part of the Housing Land Supply and an Out of Centre Commercial Location respectively. Following the quashing of the part of the plan that relates to the site which is the subject of this guidance there is not a specific land use designation attached to this land.
- 2.6 Following approval of the masterplan, the site was included in the industrial land supply in 2018 as a potential marketable site and this has remained the case since then. This reflects the Council's position that it was intended to be designated for industrial/business use in terms of LDP policy. In addition, an application has not been made to amend the approved masterplan in terms of alternative uses for the site.

3. PLANNING POLICY AND GUIDANCE

3.1. Government Policy and Guidance

- 3.1.1. The Scottish Government's central purpose is to create a more successful country by increasing sustainable economic growth and this is reflected in its commitment to achieving sustainable development. Scottish Planning Policy 2014 introduces a presumption in favour of development that contributes to sustainable development.

This is to be guided by a number of principles including giving due weight to net economic benefit of proposals; responding to economic issues, challenges and opportunities; making efficient use of existing land, buildings and infrastructure; and supporting climate change mitigation and adaptation. The planning system should promote business and industrial development that increase economic activity and allocate sites that meet the diverse needs of the area and give due weight to the net economic benefit of proposed development. It should also identify a generous supply of land for each housing market area to achieve housing land requirements across all tenures by maintaining at least a 5 year supply of effective housing land at all times. Government guidance 'Designing Streets' and 'Creating Places' stresses the importance of good design in achieving a wide range of social, economic and environmental goals, making successful and sustainable places that will contribute to viable and vibrant communities.

- 3.1.2 The Scottish Government published its draft National Planning Framework 4 (NPF4) for consultation in November. When this is approved by Scottish Parliament it will have the status of being part of the Development Plan alongside the LDP. The draft document sets out the Government's national spatial strategy for Scotland to 2045. A clear aim is to support new and expanded businesses and investment, stimulate entrepreneurship and promote alternative ways of working in order to build a wellbeing economy. LDPs are to include proposals to meet requirements for employment land, infrastructure and investment that supports a greener, fairer and more inclusive wellbeing economy. In addition, a deliverable housing land pipeline should be established to ensure sufficient land is allocated to meet the Housing Land Requirement that create quality places for people to live.

3.2. Development Plan

- 3.2.1 The overall strategic vision of SLLDP2 is to promote the continued growth and regeneration of South Lanarkshire by seeking sustainable economic and social development within a low carbon economy whilst protecting and enhancing the environment. The objective is to encourage development in the right place, at the right time and of the right quality. The location and nature of the regeneration and growth priorities in SLLDP2 play a significant role in achieving the plan's vision and objectives. This approach will also contribute to the delivery of the Council's Economic Strategy which aims to support investment in appropriate business locations. These priorities are then complemented by the plan's commitment to environmental protection and enhancement including the identification and maintenance of a strategic and local Green Network. The site is bounded on three sides by land designated as a Core Industrial and Business Area (ie Nerston Industrial Estate).

4. LAND USE

- 4.1 Section 2 of this guidance describes the planning history of the site including the policy background which led to the initial designation of the former Rolls Royce site as a Development Framework Site in SLLDP1; the subsequent granting of planning permission for a mixed use development which led to the approval of a masterplan identifying this part of the site for employment use; and the subsequent inclusion of the land in the industrial land supply as a potentially marketable site.
- 4.2 An analysis of the East Kilbride Industrial Land Supply carried out in July 2021 shows that there has been a 37% reduction in the overall marketable supply since 2015 (27.45 hectares now compared to 43.44 hectares in 2015). This change is partly due to take up of land for employment uses as well as sites being developed or reallocated for alternative uses.

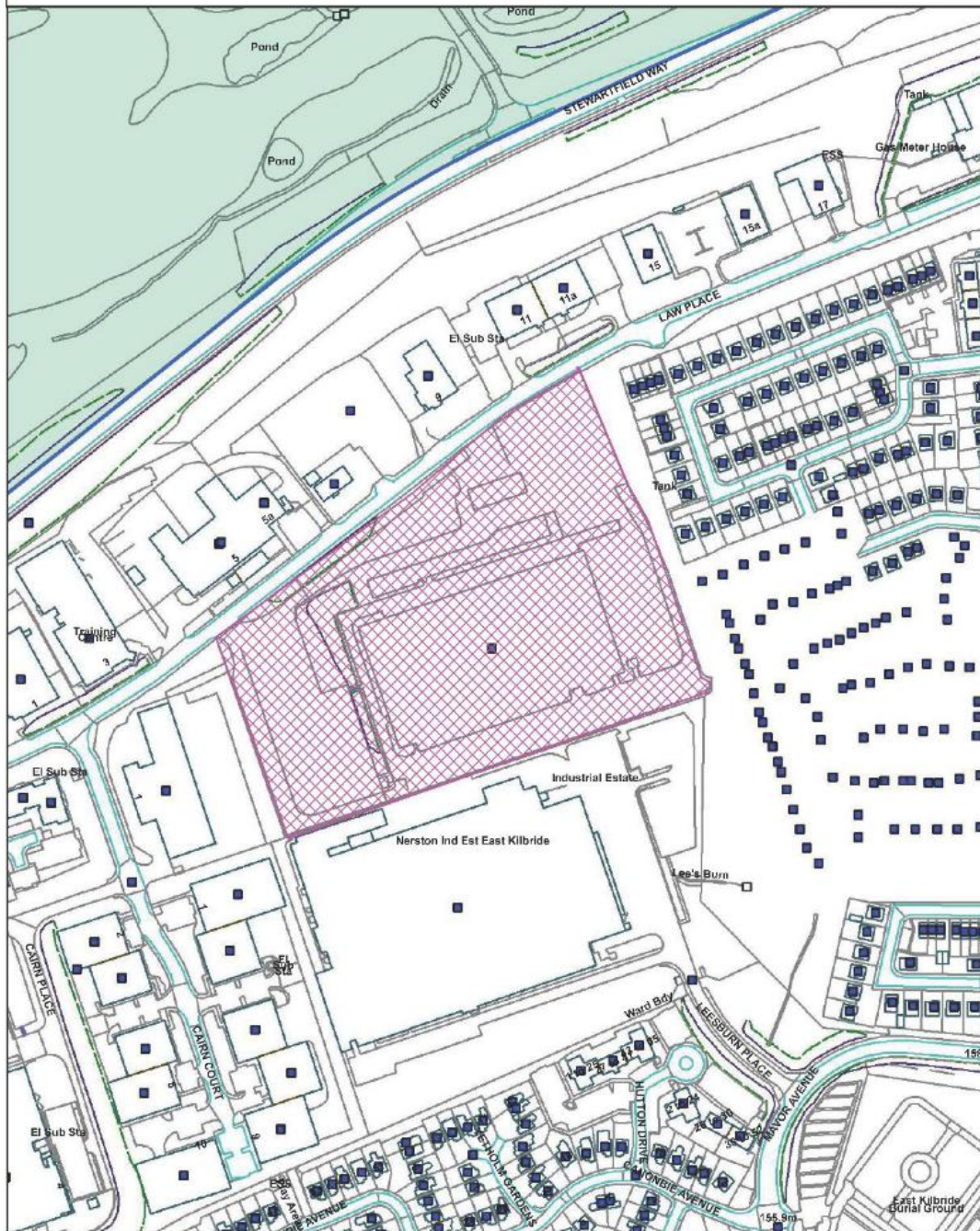
- 4.3 Since 2015 a total of 6.35 ha has been developed for industry and business in East Kilbride, an annual average of just over 1 ha per annum. In addition, a number of the sites within the current industrial land supply already benefit from extant planning consent and may be developed in the short term. This results in just under 12 hectares of unconsented land being available for new industrial/business development. Many involve small plots within the Scottish Enterprise Technology Park and are only suitable for smaller class 4 type developments. The availability of larger sites for class 5/6 uses is more limited, particularly in the northern part of East Kilbride.
- 4.4 Recent developments and proposals indicate there is still a demand for larger sites in East Kilbride both for speculative and bespoke developments. These include the development of 4.5 hectares at College Milton for a whisky blending centre; development of class 4/5/6 speculative units at plot 1 Kelvin South (0.8ha) and the recent application for a vehicle storage and distribution centre on the former Freescale site at Kelvin industrial estate (12 ha).
- 4.5 In addition, the Strategic Business case for the Stewartfield Way City Deal project was updated in June 2021 and this site is one that is identified as contributing to the economic outputs that the Stewartfield Way project will deliver. These proposals would improve the transport network at the two roundabout junctions between the exit to the East Kilbride Expressway and up to and including the Kingsgate Retail Park and dual the road from Kingsgate Retail Park to James Hamilton heritage Loch which will help increase the road network capacity and improve the attractiveness of the site to investors. There is an increased level of enquiries for industrial sites that are well located, particularly in relation to key transport routes.
- 4.6 The site is bounded on three sides by existing employment uses and, as a result, the character of the area is commercial in nature. As a result, it is considered that the redevelopment of the site for uses within classes 5 and 6 of the Use Classes Order is appropriate. The extant planning permission precludes the inclusion of Class 4 Business uses due to the impact of vehicular access being taken directly onto Law Place and the increase in traffic generation on the wider road network. In land use terms the introduction of class 4 use would be acceptable in principle however proposals would be required to show any adverse traffic impacts could be mitigated through an update of the previous Transport Assessment.
- 4.7 In terms of alternative uses, SLLDP2 was adopted in April 2021 and identifies a minimum 5 year effective housing land supply is available throughout the lifetime of the plan as required by Scottish Planning Policy. The site was not submitted during the 'call for sites' stage of the preparation of LDP2 and has not been allocated as a new housing site in SLLDP2. Policy 11 – Housing states that if, during the lifetime of the plan, a shortfall in the 5 year supply of effective land is identified, the Council may support development proposals that are effective and capable of meeting the identified shortfall. This would be in the following order of preference;
- Non-effective sites now shown to be effective
 - Urban capacity sites
 - Additional brownfield sites
 - Sustainable greenfield sites.

There is currently no identified shortfall in housing land supply in the East Kilbride Housing Market Area and therefore Policy 11 is not invoked.

- 4.8 The planning permission for the wider Rolls Royce site is subject to a condition that limits the number of housing units that could be developed to 354. This was in

recognition of the impact additional units would have on the local road network. Proposals would therefore have to demonstrate through an update of the earlier Transport Assessment that any adverse impact could be mitigated. Furthermore, the site is bounded on three sides by existing industrial and business use which would mean new housing would be out of keeping with the character of the surrounding area which is a long established employment base for East Kilbride. In particular the site is immediately adjacent to noisy industrial activity that operates on a 24 hour basis to the south. As a result, housing development on the site would not be appropriate.

Land at Law Place East Kilbride



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Date:
15/09/2021



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Land at Law Place, East Kilbride

Development Brief

Description of site and surroundings

The site is located on Law Place within the northern part of East Kilbride. It is bound on three sides by existing industrial units and trade business premises which comprise Nerston Industrial Estate. These units are accessed off Law Place which is the main distributor road through the industrial estate as well as the secondary roads Cairn Court and Leesburn Place. To the east is a residential development of 354 units that is under construction and largely complete. There are also two retail units that are operational. The new housing and retail units are accessed off Mavor Avenue via a new roundabout on Law Place. The adjacent dwellings are separated from the site by an acoustic bund with associated fencing. The bund runs the entire length of the eastern boundary with no physical connectivity between the residential development and the site. Further to the west of the site, located at the junction of Cairn Court and Law Place, are 4 storey flatted dwellings located on elevated ground.

The site is approximately 25 hectares in area and is generally flat, although there is a drop in levels into the site from Law Place along the northern boundary. There is an existing vehicular access to the north-west corner of the site off Law Place that served former buildings. The land has been cleared of buildings associated with the former Rolls Royce activity. A linear group of trees through the site running north to south has been retained. There are also several groups of trees and remnants of mature hedgerows along the northern boundary with Law Place and along the boundaries to the south and west of the site.

In the wider locality Kingsgate Retail Park and other large retail units are located to the north east of the site. East Kilbride Town Centre is approximately 2km to the south of the site. Within the Town Centre is a multi-terminal for buses, providing links to the local area and neighbouring towns. East Kilbride is served by two railway stations which provide a frequent rail service to Glasgow. The site is close to the A725 which provides direct access to the M74. Stewartfield Way which is within 2 minutes drive of the site provides access to the Southern Orbital and the M77 to the west. The A746 to Cambuslang and Rutherglen is also close. The adopted South Lanarkshire Local Development Plan 2 (SLLDP2) identifies East Kilbride as a Community Growth Area and as such the settlement will continue to see expansion and improvement of facilities.

Planning policy and appropriate land use

The planning policy context at a national level (Scottish Planning Policy 2014 and the draft NPF4) and a local level (South Lanarkshire Local Development Plan adopted in April 2021) is described in section 3 of the Supporting Planning Guidance for the site. Taken together with the planning history of the site and the matters described in section 4 of the SPG it is considered that the redevelopment of the site for uses within classes 5 and 6 are appropriate; consideration will be given to the introduction of class 4 uses where it can be demonstrated that the impact of proposals on the wider road network can be mitigated.

Proposals are also expected to comply, where relevant, with the following adopted local development plan policies:

Volume 1	Volume 2
1 – Spatial Strategy	
2 – Climate Change	SDCC2 – Flood Risk SDCC3 – Sustainable Drainage Systems SDCC4 – Sustainable Transport SDCC6 – Renewable Heat SDCC7 – Low and Zero Carbon Emissions from New Buildings
5 – Development Management and Placemaking	DM1 – New Development Design DM15 – Water Supply DM16 – Foul drainage and sewerage DM17 – Air Quality
8 - Employment	ICD2 – Non-conforming uses in core industrial/business areas
11 - Housing	
13 – Green Network and Greenspace	
14 – Natural and Historic Environment	NHE18 – Walking, Cycling and Riding Routes NHE20 - Biodiversity
15 – Travel and Transport	
16 – Water Environment and Flooding	

The link below is to the adopted SLLDP2 on the Council's website https://www.southlanarkshire.gov.uk/info/200145/planning_and_building_standards/39/development_plans/2

Development guidance

Scale and design of new buildings

The immediate streetscape is predominantly commercial in nature comprising of trade and industrial units, and it would be expected for a similar proposed use to visually integrate with the existing character. However, the neighbouring residential development to the east will require the developer to take due cognisance of the impact on visual and residential amenity. Any proposal must reflect the physical characteristics of the site, particularly its relationship with neighbouring properties and ensure that they are not adversely impacted upon through overlooking, overshadowing or overwhelmed by physical presence, or as a result of noise and activity from adjoining uses.

The scale of any building should ensure that it does not physically or visually dominate the 2 storey residential dwellings located along the eastern boundary. This will require

careful siting and design and should also mitigate the impact on overshadowing and loss of daylight. The developer should consider the need for external lighting to ensure this does not cause light disturbance to the enjoyment of the residential properties. The materials of any building should be sympathetic to the visual appearance of neighbouring residential properties and should consider a mix of materials or the use of appropriate colours that would add visual interest and be of an acceptable quality.

Noise impact

The extant planning permission included proposals for the creation of a bund and acoustic fencing between the new housing and the site and they have been implemented. The layout of the new housing also took into consideration the proximity of houses to the potential employment uses within the site. Nevertheless, the developer will be required to submit an updated noise impact assessment to consider the impact of proposed development on the new dwellings to the east and the existing flatted dwellings to the west of the site at the junction of Cairn Court and Law Place. The existing acoustic bund along the eastern boundary will provide a level of mitigation, however further mitigation may be required based on the outcome of the assessment and recommended conclusions. The scope of the assessment should include activity from the proposed development, existing neighbouring businesses, and traffic generated noise. The report should focus on the impact to the neighbouring residential properties, and to ensure that predicted noise levels are within acceptable limits to prevent an adverse impact on residential amenity.

Transport and traffic

A Transport Assessment or Transport Statement may be required to be carried out depending on the scale and type of uses proposed. The requirement for a TA is established by the thresholds set by Transport Scotland. Early discussion should take place with Roads and Transportation Services to determine the need for this and in order to agree scoping.

The approved masterplan shows the primary access to the site would be taken from Leeburn Place through the existing site occupied by Multi Packaging Solutions with a secondary access proposed from Law Place for service vehicles. The preference is for this arrangement to be incorporated into proposals for the site. In the event this is not achievable due to the inability to gain control of the land primary access from Law Place will be considered providing adequate sightlines and junction spacing can be achieved. In this respect minimum visibility splays of 4.5m x 60m in both directions with nothing over 0.9metres in height when measured above the adjacent road channel level will be required. Appropriate junction spacing should be provided, and this should be discussed with Roads and Transportation Services. In addition, a 2m footway should be provided along the Law Place frontage.

Future development of the site will also require to take due cognisance of the ground levels adjoining the site, in particular, the elevated ground along Law Place should an amended vehicular access arrangement be required. Achieving a suitable road gradient, visibility splay, and functional design may require ground works to be carried out. If this is the case consideration, should be given to the need and design of retaining features. The maximum gradient, rising or falling, on the internal access road shall be limited to

2% for a minimum distance of at least 12m from the nearside channel line of Law Place. Thereafter the maximum gradient of carriageway with a flexible surface shall be 8% and for shared surface areas shall be 7%.

The National Roads Development Guide provides detailed criteria on issues such as vehicular access requirements and car parking provision which will be applicable to development of the site.

Active travel

Active travel and the availability and/or provision of public transport facilities should be a fundamental design element of new development. Proposals should therefore promote opportunities for travel by sustainable transport modes. Applications should be accompanied by an active travel plan outlining arrangements to encourage all employees to engage in the use of more sustainable travel modes to reduce the reliance on private car trips. Proposals should incorporate cycling parking and storage and have regard to core paths in the area. An active travel study for East Kilbride has been completed and developers should take this into account.

Climate change

Development proposals are expected to minimise and mitigate against the impact on climate change and reduce greenhouse gas emissions. In particular the following should be taken into consideration in the design process;

- The use of renewable energy sources
- The incorporation of low and zero carbon energy generating technologies
- The avoidance of flood risk within the site and land and property outwith
- The protection of ecosystems by ensuring there is no adverse impact on the water and soil environment, biodiversity and air quality
- Include opportunities for active travel
- Incorporate opportunities to create and enhance green infrastructure
- Provide electric vehicle charging infrastructure. The number required will be based on the number and type of vehicles accessing the site. The developer should ensure that these charge points are located outwith parking bays. The onus is on the developer to meet costs of installation and to agree grid capacity with Scottish Power Networks. Further guidance can be found in Supporting Planning Guidance on Electric Vehicle Charge Points.
- Minimise waste through the provision of appropriate recycling, storage and collection points
- Consider whether the proposals can be connected to heat networks

Air quality

The site is located adjacent to a South Lanarkshire Council Air Quality Management Area (AQMA) at Whirlies Roundabout, East Kilbride. Given the size and location of the site, an Air Quality Impact Assessment (AQIA) is required to be submitted. This assessment should focus on what impact development would have on the AQMA, and include details such as use of the site, scale of development, and numbers and type of associated vehicles. The information submitted would enable an assessment of the

change in light duty vehicle movements on the local roads network and would be taken into account in the AQIA which would then work out potential increase on local air pollution. The results would be compared with the National Air Quality objectives and determine the impact of the development on the area and its significance.

Green network

Policy 13 Green Network and Greenspace of SLLDP2 states that new development proposals within affected areas should safeguard the green network and identify proposals for enhancement. The green network can contribute positively to issues such as: mitigating greenhouse gasses adapting to the impacts of climate change; improving air quality and providing water management including flood storage. Although the site contains minimal landscaping at present, any development should positively contribute towards the Green Network objective, with the formation of green landscaping, and consideration to the installation of green and living roofs. Detailed proposals of how this will be achieved must be submitted with any planning application.

Broadband connection

As required by Policy DM1 – New Development Design (Criteria 13), any new development proposals should be designed in such a way as to incorporate high speed broadband connection. To achieve this, developers are now required to install full fibre ducting during the construction phase. This will prevent the road network being dug up at a later date. The installation of (optional) multi fibre ducting would enable a greater choice of service providers.

Flood risk

The Council's Developer Design Guidance: Flood Risk Assessments and Sustainable Drainage Systems (May 2020) highlights the requirements in respect of Flood Risk Assessment and Drainage Strategy for development sites. This guidance should be referred to by the developer when producing their drainage design taking account of future maintenance access and responsibilities. The guide also informs the level of information required in support of future planning submissions.

Historical mapping data indicates the potential for the Lees Burn to have been culverted below or in close proximity to the site boundary. The developer is responsible for satisfying themselves as to the alignment, depth and condition of the culverted section and demonstrate that their design proposals do not impinge on the culvert. Early discussion should take place with the Council's Flood Risk Management team to determine the need for additional information in support of any future planning application.

Water Supply and Waste Water treatment

Contact should be made with Scottish Water early in the development process to discuss the current capacity of their system to accommodate development.

Ground conditions

The site formed part of the wider Rolls Royce industrial complex and therefore consideration of the impact of the former use on ground conditions will be required to be addressed. Any planning application shall include a comprehensive site investigation to be carried out in accordance with the advice given in the following:

- Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995);
- Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11) - issued by DEFRA and the Environment Agency;
- BS 10175:2001 - British Standards institution 'The Investigation of Potentially Contaminated Sites - Code of Practice'.

If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model should be prepared and these linkages subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages using site specific assessment criteria will require to be submitted. If the risk assessment identifies any unacceptable risks, a detailed remediation strategy will be required.