

Report

Report to: Planning Committee

Date of Meeting: 6 June 2023

Report by: Executive Director (Community and Enterprise

Resources)

Application no. P/22/1463

Planning proposal: Erection of 50 no. detached dwellinghouses, associated parking and

infrastructure (Approval of matters specified in condition 1 (a to r) of

Planning Consent EK/09/0218)

1 Summary application information

Application type: Approval of matters specified in conditions

(MSC)

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Applicant: Lynch Homes Limited

• Location: Land 450M east southeast of Easter House

Newhouse Road East Kilbride

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: Kieran McCallion
 ◆ Council Area/Ward: 09 East Kilbride West

Policy Reference(s): National Planning Framework 4

Policy 1 - Tackling the climate and nature crises Policy 2 - Climate mitigation and adaptation

Policy 3 – Biodiversity

Policy 14 - Design, quality, and place Policy 15 - Local living and 20-minute

neighbourhoods

Policy 16 - Quality homes

Policy 21 - Play, Recreation and Sport

Policy 22 - Flood Risk and Water Management

South Lanarkshire Local Development Plan 2 (adopted 2021)

Policy 1 - Spatial Strategy

Policy 2 - Climate Change

Policy 5 - Development Management and Place

Making

Policy 11 – Housing

Policy 13 – Green Network and Greenspace

Policy 16 – Water Environment and Flooding

Policy SDCC2 – Flood Risk

Policy SDCC3 – Sustainable Drainage Systems

Policy DM1 – New Development Design

♦ Representation(s):

Objection Letters
Support Letters
Comment Letter

♦ Consultation(s):

Roads Development Management Team

Roads Flood Risk Management

Environmental Services

Scottish Environment Protection Agency (SEPA)

Scottish Water

SP Energy Networks

Arboricultural Services

Planning Application Report

1 Application Site

1.1 This planning application relates to a proposed residential development of 50 detached dwellinghouses, associated parking and infrastructure on land located within East Kilbride Community Growth Area (CGA) to the south of the town. Planning Permission in Principle for the CGA (EK/09/0218) was granted for a "mixed use development comprising residential, retail and education uses and associated engineering works for site infrastructure, new access and distributor road, formation of open space framework with landscaping work."

2 Proposal(s)

- 2.1 This application seeks to discharge various conditions attached to the Planning Permission in Principle application (EK/09/0218) for the development of East Kilbride Community Growth Area. Condition 1 specifies that all relevant matters such as layout, siting, design, landscaping, drainage etc are submitted to and approved by the Planning Authority. The other elements to be discharged specify in detail what information requires to be submitted to deal with these relevant matters listed in condition 1.
- 2.2 The applicant, Lynch Homes Limited, seeks consent for the erection of 50 detached dwellinghouses, associated parking and infrastructure. The proposed development is a mix of house styles, external materials and size of properties as detailed in the submitted drawings.
- 2.3 The applicant has submitted a site investigation report, flood risk assessment and supporting statement in relation to condition 1 of EK/09/0218.

3 Background

3.1 National Planning Framework 4

- 3.1.1 The National Planning Framework 4 was approved by the Scottish Ministers on 13 February 2023 and now forms part of the Development Plan. National Planning Framework 4 (NPF4) provides Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments, and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places, and productive places.
- 3.1.2 In respect of NPF4 the following policies are of particular relevance in the assessment of this proposal:-
 - Policy 1 Tackling the climate and nature crises
 - ♦ Policy 2 Climate mitigation and adaptation
 - ♦ Policy 3 Biodiversity
 - ♦ Policy 14 Design, quality, and place
 - ♦ Policy 15 Local living and 20-minute neighbourhoods
 - ♦ Policy 16 Quality homes
 - ♦ Policy 21 Play, Recreation and Sport
 - ♦ Policy 22 Flood Risk and Water Management

3.2 South Lanarkshire Local Development Plan 2

3.2.1 The site is identified within the adopted South Lanarkshire Local Development Plan 2 (2021) (SLLDP2) as being located within a Housing Site. The following policies require to be taken into consideration:-

- ♦ Policy 1 Spatial Strategy
- ♦ Policy 2 Climate Change
- Policy 5 Development Management and Place Making
- ♦ Policy 11 Housing
- ♦ Policy 13 Green Network and Greenspace
- ♦ Policy 16 Water Environment and Flooding
- ♦ Policy SDCC2 Flood Risk
- ♦ Policy SDCC3 Sustainable Drainage Systems
- ♦ Policy DM1 New Development Design

3.3 Relevant Government Advice/Policy

3.3.1 Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the South Lanarkshire Local Development Plan 2 (SLLDP2) (adopted 9 April 2021) and National Planning Framework 4 (NPF4) (which was laid before the Scottish Parliament on 8 November 2022 and adopted by Scottish Ministers on 13 February 2023). Section 24(3) of the 1997 Act confirms that if there is an inconsistency between NPF4 policies and a Local Development Plan which was adopted before 13 February 2023, then the policies in NPF4 prevail.

3.4 Planning Background

3.4.1 Planning Permission in Principle (EK/09/0218) for East Kilbride Community Growth Area was approved on 26 June 2018 subject to the conclusion of a Section 75 Legal Agreement, primarily in relation to financial contributions towards infrastructure affected by the development.

4 Consultation(s)

4.1 <u>Roads and Transportation Services</u> – No objection subject to the imposition of planning conditions relating to visibility, dropped kerb access, driveway surfacing, gradients, drainage, cleaning system/wheel washing facility, a turning area for site staff/operatives and a site management plan.

Response: Noted. These conditions would be attached to any consent granted.

4.2 <u>Environmental Services</u> – No objection subject to the imposition of a planning condition relating to dust.

Response: Noted. This condition would be attached to any consent granted.

4.3 **Scottish Water** – No objection.

Response: Noted.

4.4 **SEPA** - No objection.

Response: Noted.

4.5 Roads Flood Risk Management – the appropriate drainage arrangements should be implemented in line with the approved drainage scheme for the masterplan site.

Response: Noted. This condition would be attached to any consent granted.

4.6 **Arboricultural Officer** – No comments

Response: Noted.

4.7 **SP Energy Networks** – No comments

Response: Noted.

5 Representation(s)

- 5.1 No statutory neighbour notification was required to be undertaken given the location of the site, however, the application was advertised in the local press. One letter of comment was received which raises the following matters:-
 - ♦ General satisfaction with housing mix, however, more detail should be given in relation to footpaths and access to open space.
- 5.2 The above issues will be considered in the assessment below and a full copy of this representation is available for inspection on the planning portal.

6 Assessment and Conclusions

- 6.1 The applicant, Lynch Homes Limited, seeks consent for the erection of 50 detached dwellinghouses, associated parking and infrastructure on land forming part of the East Kilbride Community Growth Area (CGA). The site benefits from planning permission in principle (EK/09/0218). As such, the principle of the development has already been established and this assessment relates to the details of the housing layout and associated works. The determining issues in the consideration of this application are its compliance with the development plan, which consists of National Planning Framework 4 (Adopted 2023) and South Lanarkshire Local Development Plan 2 (Adopted 2021).
- NPF4 Policy 1 Tackling the Climate and Nature Crises and NPF4 Policy 2 Climate Mitigation and Adaptation aim to ensure that new developments minimise and mitigate against climate change and the generation of greenhouse gases. The proposed residential development is located within a reasonable distance of existing health, community and retail facilities in East Kilbride, with public transport provided at Hairmyres railway station and by various bus services in the wider area. It will also be close to the proposed new educational facilities, retail, open space and bus services as the CGA is developed. The proposed dwellinghouses incorporate measures to improve the sustainability of the development and mitigate against climate change including the provision of solar photovoltaics (PV) panels on to the roofs to generate energy. It is therefore considered that the proposal is consistent with Policy 1 and Policy 2 of the NPF4.
- 6.3 NPF 4 Policy 3 Biodiversity aims to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. In this regard, a landscape buffer would be provided to the west of the application site within the CGA and within the site a green Network link will be maintained through the CGA and the wider area beyond the site. Given the above, it is considered that the proposal would deliver positive effects in respect of biodiversity, in compliance with Policy 3 of NPF4.
- 6.4 NPF4 Policy 14 Design, Quality and Place aims to encourage, promote, and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle. It sets out six qualities of successful places. The proposal is consistent with these qualities and is therefore considered to be consistent with Policy 14 of the NPF4.
- 6.5 NPF4 Policy 15 Local Living and 20 Minute Neighbourhoods aims to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods. As set out above, the proposed residential development is located within a reasonable distance of existing health, community, and retail facilities in East Kilbride, with public transport provided at Hairmyres for rail and various bus services in the wider area. It will also be close to proposed new educational facilities,

- retail, open space and bus services as the CGA is developed. The proposal is therefore considered to be consistent with Policy 15 of the NPF4.
- 6.6 NPF4 Policy 16 Quality Homes aims to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities. It states that development proposals for new homes on land allocated for housing in LDPs will be supported. As set out above, the site is located within the East Kilbride Community Growth Area and is identified for housing development. The proposed development is of a high-quality design and materials and forms a part of a wider development which provides a range of housing sizes. In respect of NPF4 Policy 16 (e) a range of affordable housing units are provided throughout the CGA by way of the original planning consent. The proposal is therefore considered to be consistent with Policy 16 of the NPF4.
- 6.7 NPF4 Policy 21 Play, Recreation and Sport aims to encourage, promote, and facilitate spaces and opportunities for play, recreation, and sport. This development is located within the wider CGA central open space which will provide access to a network of open space and play areas across the CGA for the residents of these plots. It is therefore considered that the proposed development is consistent with the aims of Policy 21 of NPF4.
- 6.8 NPF4 Policy 22 aims to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. The proposed development would have a sustainable drainage system designed in respect of East Kilbride Community Growth Area Masterplan Flood Risk Assessment prepared by Kaya Consulting Limited. In this regard, the Flood Risk Management Team advised that they have no objections to the proposed development. Taking the above into account, it is considered that the proposal is acceptable with regard to the requirements of Policy 22 of NPF4.
- 6.9 The adopted South Lanarkshire Local Development Plan 2 (SLLDP2) identifies the site, in land use terms, as being within a Community Growth Area (as defined by Policy 1 Spatial Strategy). The site is also allocated as proposed housing land (Policy 11 Housing Land) to reflect the designation of the CGA. It is therefore noted that the principle of housing development on this site is supported by Policies 1 and 11 of the adopted SLLDP2 and by the previous planning consent EK/09/0218.
- 6.10 SLLDP2 Policy 2 Climate Change aims to ensure that new developments minimise and mitigate against climate change and the generation of greenhouse gases. The proposed residential development is located within a reasonable distance of existing health, community and retail facilities in East Kilbride, with public transport provided at Hairmyres for rail and various bus services in the wider area. It will also be close to the proposed new educational facilities, retail, open space and bus services as the CGA is developed. The proposed dwellinghouses incorporate measures to improve the sustainability of the development and mitigate against climate change including the provision of solar PV panels on to the roofs to generate energy. It is therefore considered that the proposal is consistent with Policy 2 of the adopted local development plan.
- 6.11 Policy 5 Development Management and Policy DM1 New Development Design of the Local Development Plan state that all planning applications should take fully into account the local context and built form in terms of layout, scale, massing, design and external materials. It is noted that the proposal is for 50 detached dwellinghouses, associated parking and infrastructure. The proposed mix of house styles, external

materials, size of properties and development layout are acceptable. and it is considered that there is no requirement to enhance the gable on plot 1 with a window. On balance, the proposed dwellinghouses would have no significant adverse impact on residential amenity of the area, as existing or when adjacent sites are developed, and would not have any significant impact in respect of overshadowing or privacy that would justify refusal of the application. It is therefore considered that the proposal is consistent with Policy 5 and Policy DM1 of the adopted Local Development Plan.

- 6.12 The application site is located in an area designated as Green Network, where Policy 13 Green Network and Greenspace of SLLDP2 applies. This policy seeks to safeguard the local green network and identify opportunities for enhancement and/or extension to contribute towards objectives including promoting active travel, placemaking and supporting biodiversity. Within the site a green network link will be maintained through the CGA and the wider area beyond the site. Given the above, it is considered that the proposal would not result in a significant change to quality or volume of green network land on the site and that access to a connected green network would be available for residents, in compliance with Policy 13 of the SLLDP2.
- 6.13 SLLDP2 Policies 16, SDCC2 and SDCC3 relate to any potential flood risk and impact on the water environment from the proposed development. The proposed development will have a sustainable drainage system designed in respect of East Kilbride Community Growth Area Masterplan Flood Risk Assessment prepared by Kaya Consulting Limited. In this regard, the Flood Risk Management Team advised that they have no objections to the proposed development. Taking the above into account, it is considered that the proposal is acceptable with regard to the requirements of Policies 16, SDCC2 and SDCC3 of the SLLDP2.
- 6.14 Compliance with the requirements of Condition 1 of Planning Consent EK/09/0218 has been set out above. In respect of clauses d (site management plan), clause g (a phasing plan), clause h (a habitat and greenspace management plan), clause j (landscaping plan), clause p (control and mitigation of dust), clause q (construction method statement) clause r (road safety audit) the applicant has requested that these are conditioned. The Council also considers it necessary to condition clause f (the design and location of all retaining walls) because through the application process the applicant's agent subsequently confirmed that the proposed site would incorporate a retaining wall. Furthermore, Roads and Transportation Services and Environmental Services offered no objections to the proposed development subject to conditions.
- 6.15 In conclusion, it is noted that the principle of residential development of this site is supported by development plan policies and the existing Planning Permission in Principle consent, including the Masterplan associated with the site. Furthermore, given that the proposal will not result in adverse amenity, environmental or safety impacts, it is considered that the proposed development is in compliance with the provisions of the relevant policies of the National Planning Framework 4 and the adopted South Lanarkshire Local Development Plan 2. It is therefore considered appropriate for planning permission to be granted for the proposed development subject to the attached conditions.

7 Reasons for Decision

7.1 The proposal would have no significant adverse impact on amenity, public safety or the local environment and complies with the provisions of Policies 1, 2, 3, 14, 15, 16, 21 and 22 of the National Planning Framework 4 and Policies 1, 2, 5, 11, 13, 16, SDCC2, SDCC3 and DM1 of the adopted South Lanarkshire Local Development Plan 2 (2021).

David Booth

Executive Director (Community and Enterprise Resources)

Date: 26 May 2023

Previous references

◆ EK/09/0218 – Planning Committee – 26 June 2018

List of background papers

- Application form
- Application plans
- ► South Lanarkshire Local Development Plan 2 (adopted 2021)
- ► Press advert dated 23.11.2022
- Consultations

Roads Development Management Team	10.05.2023
Roads Flood Risk Management	20.12.2022
Environmental Services	02.12.2022
Scottish Water	17.11.2022
SEPA Flooding	01.12.2022

Contact for further information

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

lain Morton, Team Leader, Floor 6, Council Offices, Almada Street, Hamilton, ML3 0AA

Phone: 07551 842 788

Email: iain.morton@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/22/1463

Conditions and reasons

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

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

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

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

03. 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.

04. 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.

05. That no development shall commence on site until the applicant provides written confirmation from Scottish Water to the Council as Planning Authority that the site can be satisfactorily served by a sewerage scheme designed in accordance with Scottish Water's standards.

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

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

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

07. That the development hereby approved shall not commence until surface water drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority, under the terms of Condition 6 above.

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

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

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

09. Prior to development commencing on site, full engineering drawings of all retaining walls, including drainage details, shall be submitted to and approved in writing by the Council as Planning Authority. The retaining walls shall thereafter be constructed in accordance with the approved details to the satisfaction of the Council as Planning Authority.

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

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

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

11. 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.

12. That prior to the commencement of development on site, a site management plan shall be submitted to and approved in writing by the Council as Planning Authority.

Reason: In the interests of pedestrian and vehicular safety.

13. That prior to the commencement of development on site a Phasing Plan shall be submitted to and approved in writing by the Council as Planning Authority.

Reason: To define the consent.

14. That prior to the commencement of development on site a Habitat and Greenspace Management Plan shall be submitted to and approved in writing by the Council as Planning Authority.

Reason: To define the consent.

15. That prior to the commencement of development on site a Construction Method Statement shall be submitted to and approved in writing by the Council as Planning Authority.

Reason: To define the consent.

16. Prior to the commencement of development on site a road safety audit shall be submitted to and approved in writing by the Council as Planning Authority.

Reason: To define the consent.

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

Reason: In the interests of traffic and public safety.

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

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

19. That before the development hereby approved is completed or brought into use, a visibility splay of 2 metres by 35 metres measured from the road channel shall be provided on both sides of each vehicular access 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.

20. That, before any dwellinghouse within the development hereby approved is completed or brought into use, at the driveway access a visibility splay of 2.4 metres by 2.4 metres measured from the heel of the footway shall be provided on both sides of each vehicular access 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 public safety.

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

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

22. That no dwellinghouse within the development shall have a driveway gradient exceeding 10%.

Reason: In the interest of road safety.

- 23. That, during the construction phase associated with the development hereby approved:-
 - appropriate cleaning systems shall be put in place within the site to ensure mud and debris is not deposited on the public road.
 - appropriate wheel wash facilities/road cleaning regime shall be provided.
 - all vehicles shall be able to access and exit the site in forward gears, therefore a turning area shall be provided
 - sufficient parking shall be provided within the site boundary to accommodate all site staff/operatives parking requirements.
 - A plan showing the turning area and location and number of spaces for site staff / operatives should be submitted for approval.

Before the commencement of works on site full details and plans detailing the above requirements shall be submitted to and approved by the Council as Roads and Planning Authority. Thereafter, the approved details shall be implemented on site to the satisfaction of the Council throughout the construction phase.

Reason: In the interests of road safety.

24. That, before the development hereby approved is completed or brought into use, an appropriate system of site drainage shall be provided to the specification and satisfaction of the Council as Roads and Planning Authority to prevent surface water flowing onto the public road.

Reason: In the interests of road safety.

25. That unless otherwise agreed in writing with the Planning Authority, all construction vehicles associated with the development hereby approved shall access the site from the spine road via Eaglesham Road only.

Reason: In the interests of road safety.

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

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

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

Reason: In the interests of road safety.

