	<h1>Report</h1>	Agenda Item <h1>4</h1>
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Report to: **Planning Committee**
 Date of Meeting: **26 September 2006**
 Report by: **Executive Director (Enterprise Resources)**

Application No EK/06/0295
 Planning Proposal: Erection of 20 Two Bed Flats and Associated Car Parking on Land to the North of Law Place/Markethill Road and Erection of 60 Two Bed Flats and Associated Car Parking on Land to the South of Law Place/Markethill Road

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Aitken Projects
- Location : No 1 and No 2
Law Place
Nerston
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 the Conditions attached)
- (2) The application is contrary to the development plan and an objection has been received. In accordance with Council procedures, a hearing may be required prior to determining the application.
- (3) A stopping up order will be required for the realignment of a short part of the public footway within Site A.
- (4) A financial contribution of £32, 000 is required from the developer towards upgrading recreational provision in the area, to be lodged prior to the issue of consent.

2.2 Other Actions/Notes

The Planning Committee has delegated powers to determine this application

3 Other Information

- ◆ Applicant's Agent: DTA Chartered Architects
- ◆ Council Area/Ward: 29 Stewartfield
- ◆ Policy Reference(s): **East Kilbride and District Local Plan 2003**

LR1 – Indoor/Outdoor Recreation
Facilities
TRA5 – Preferred Routes for
Freight
RES6 – New Housing
Development
DC1 – Development Control
General
SLP6 – Development Control
General
SLP10 – Sustainable Urban
Drainage Systems

**South Lanarkshire Local Plan
Finalised Plan 2006**

RES6 – Residential Land Use
Policy
ENV11 – Design Quality
ENV29 – New Development
Design
ENV30 – New Housing
Development
ENV36 – Sustainable Urban
Drainage Systems
DM1 – Development
Management

- ◆ Representation(s):
 - ▶ 2 Objection Letters

- ◆ Consultation(s):

Environmental Services

Stewartfield Community Council

Roads and Transportation Services (East Kilbride)

S.E.P.A. (West Region)

S.E.P.A. (West Region) (Flooding)

Power Systems

Roads & Transportation Services H.Q. (Flooding)

TRANSCO (Plant Location)

Scottish Water

Leisure Services

British Telecom

Planning Application Report

1 Application Site

- 1.1 The application site consists of a five-a-side football sports pitch facility and an area of vacant land located within the Nerston area of East Kilbride. The site is situated at Law Roundabout and divided into two distinct areas by Law Place. To the north of Law Place is the vacant plot, which is bound by Stewartfield Way and to the west of Fitness First. On the southern side of Law Place are the sports pitches. The application site measures 2.20 hectares.
- 1.2 The application site is located within a mixed use area comprising of industrial, agricultural, leisure and residential uses. The site itself is designated for outdoor/indoor recreation facilities within the Adopted Local Plan and Law Place identified as a preferred route for freight.

2 Proposal(s)

- 2.1 Detailed planning permission is sought for the erection of a total of 80 two bedroom flats. On the application drawings the applicant has identified the smaller, vacant site to the north as Site A and the larger site currently used as a sports pitch, as Site B. For ease of reference, this report will refer to the sites in this manner.
- 2.2 It is proposed that 20 of the flats are to be located on Site A within one block comprising of three clear residential elements linked by stairwells. The proposed four storey block is of modern design to be constructed of brick, metal roof covering, render panels and ceramic rainscreen cladding system. Site B is to accommodate the remaining 60 units, which are to be arranged over eight blocks of two and four storeys. It is proposed that the two-storey blocks, shall border the site along Law Place, with their principal elevations facing out of the site. At this side of Site B, the land is elevated. The scheme also proposes allocated parking within the development site and improvements to the existing road network.

3 Background

3.1 Local Plan Status

The proposal can be assessed against the relevant policies contained in both the adopted East Kilbride and District Local Plan and the South Lanarkshire Local Plan – Finalised Plan. In terms of the adopted East Kilbride District Local Plan the site is identified for Leisure/Community use under Policy LR1 – Indoor/Outdoor Facilities. Policy LR1 states that the Council will protect existing facilities and their loss will only be supported where a replacement facility of comparable quality and accessibility will be provided. Given the site's designated for Leisure/Community Uses, the proposal was advertised as Development Potentially Contrary to Development Plan.

The South Lanarkshire Local Plan – Finalised Plan identifies the site as within the general residential area. Policy RES6 – Residential Land Uses seeks to protect existing residential areas from inappropriate uses and states that all new developments must comply with Policy ENV11 of the plan. Policy ENV11 states that the quality of the design and layout of new developments must be such that they demonstrate the application of the principals of sustainable development and make a positive contribution to the character and appearance of the urban environment.

Both the adopted East Kilbride and District Local Plan and the South Lanarkshire Local Plan – Finalised Plan contain detailed design and development control policies which will be discussed in Section 6 below.

3.2 Planning History

On 17/10/1998 detailed consent was granted for the formation of an 11-a-side football pitch with changing facilities and car parking (EK/98/0267). A further planning application was submitted and approved on 27/10/2003 for detailed consent for the erection of an extension to sports facility (EK/03/0469).

4 Consultation(s)

4.1 Stewartfield Community Council - No response.

4.2 Environmental Services - Requested that a noise report be submitted by a competent person looking at the suitability of the site for residential development. In view of the proximity to the industrial estate and former landfill site, development shall not begin until a fully intrusive survey has been carried out and its findings approved by the Council.

Response: Noted. The applicant is aware of Environmental Services requirements and has submitted noise and contamination reports, which are being considered by that service.

4.3 Roads and Transportation Services – No objection. A revised plan was lodged which addresses the original comments made by Roads. A small section of the public road requires a formal stopping up order.

Response: - Noted

4.4 Roads and Transportation Services (Flooding) – Stated that a drainage assessment is to be provided for the site and any drainage scheme should be designed in accordance with Sustainable Urban Drainage principles. This should also take into account the Council's current Design Criteria for flood prevention.

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

4.5 SEPA - No objection, subject to foul drainage being connected to the public sewer.

Response: Noted

- 4.6 **SEPA (Flooding)** - SEPA has no record of flooding at this site.

Response: Noted.

- 4.7 **Scottish Power** - Require further details from the applicant to ensure that Scottish Power's assets are protected.

Response: The applicant is aware of Scottish Power's response.

- 4.8 **BT** - No objection.

Response: Noted.

- 4.9 **TRANSCO** – No objection.

Response – Noted.

- 4.10 **Leisure Services** – No response.

- 4.11 **Scottish Water** – No objection.

Response – Noted.

5 Representation(s)

- 5.1 On 21 June 2006 the application was advertised as potentially contrary to the development plan. Following the advertisement and neighbour notification, one letter of representation was received. The points raised are as follows.

- a) **Increase in volume of parked vehicles/congestion resulting in noise pollution.**

Response: Roads and Transportation has considered the proposal and raised no objections. The improvements to the road network and the allocated car parking are designed to accommodate the anticipated increase in vehicles at this location.

- b) **Loss of important social and health amenity for the area.**

Response: There is outline consent at Kingsgate West, East Kilbride for a major recreational development incorporating a six hole golf course, erection of golf driving range, indoor five a side football pitches, baseball cage, health & fitness club with ancillary retail restaurants and parking facilities. It is envisaged that this will compensate for the loss of the pitches. East Kilbride also has an extensive range of alternative sports facilities as discussed in my assessment below.

6 Assessment and Conclusions

- 6.1 The main issues for consideration in the assessment of this application are how the proposal relates to the relevant policies contained within the adopted Local Plan for the area, the South Lanarkshire Local Plan - Finalised Plan and any other material planning considerations.

- 6.2 The site is designated for leisure/community uses within the adopted local plan and the proposal does not comply with this designation. Policy LR1 – Indoor/Outdoor Facilities of the adopted plan states that the Council will protect the existing facilities within the plan area, however, it goes on to state that the loss of such facilities would only be supported where a replacement facility of comparable quality and accessibility is to be provided. In this case, the applicant has provided justification for the proposed loss and has cited the recent granting of permission for the formation of a six hole golf course, erection of golf driving range, indoor five a side

football pitches, baseball cage, health & fitness club with ancillary retail, restaurants and parking facilities at Kingsgate West, East Kilbride (EK/05/0089) as a commercial threat to the existing site. The Council also operate a wide range of outdoor and indoor sports facilities at the following locations within East Kilbride

- Brancumhall Golf Development Centre
- Dunedin Recreation Area
- Kirktonholme Recreation Area
- Murray Recreation Area
- Westwood Recreation Area
- Whitemoss Recreation Area
- Stewartfield Community Sports Centre

The Council has also produced a sports strategy which concludes that East Kilbride as sufficient existing provision to meet the demand for soccer pitches. It should also be remembered that the schools modernisation programme will provide new sports pitches at all the primary schools in East Kilbride which will be available to the public outside of school hours.

- 6.3 Policy RES6 of the adopted plan states that all new housing development will be required to be of a design, scale and materials appropriate to the site and its surroundings. These aspirations are also set out (for all types of development) within Policies DC1 and SLP6 of the adopted plan. Having assessed the proposal, the proposed design and materials are acceptable within this mixed use area, given the variety of development that exists in the streetscape. The form of the buildings and use of materials provide a link between the industrial and residential elements of the locality. The scheme has been designed to take cognisance of the topography of the site with the two storey blocks sited at Law Place to reduce the visual impact on the streetscape. It is therefore considered that the proposal is acceptable in terms of design and accords with Policies RES6, DC1 and SLP6 of the adopted plan.
- 6.4 The South Lanarkshire Local Plan - Finalised Plan identifies both the northern and southern areas of the site under Policy RES6 (Residential Land Use Policy). The Finalised Plan has allocated such land use designations to sites in the urban area where the existing land use is complementary to residential amenity and there are no overriding or more appropriate land use designations. It was considered at the time of preparing the Finalised Plan that the preferred land use allocation would be residential. It is considered that the proposal is acceptable in principle on the basis of the justification provided. In addition, the Finalised Plan offers flexibility to a change in land use designation.
- 6.5 The detailed design and development control policies contained in the South Lanarkshire Local Plan – Finalised Plan largely reiterate the policies contained in the adopted plan as detailed above. Policy ENV30 – New Housing Development states that new residential developments should be of a high quality design which improves the visual quality of the area. Policy ENV11 – Design Quality states that the design and layout of new developments should make a positive contribution to the character of the area. Policy DM1 – Development Management relates to developments generally and reiterates the need for high quality design and materials. As stated above in paragraph 6.3, the proposal takes cognisance of the local area and uses quality materials. I am therefore satisfied that the proposal complies with the South Lanarkshire Local Plan – Finalised Plan.

- 6.6 In conclusion, in terms of the impact on the road network, with particular regard to road safety, the proposal raises no objections from the Council's Roads and Transportation Section.
- 6.7 In terms of amenity there are no existing residential properties abutting the site, therefore the proposal raises no adverse concerns with regards to existing residents. The site is, however, located adjacent to an industrial area and both the operations of adjoining neighbours and amenity of future occupants must be protected. It is to this end that Environmental Services has requested a noise impact assessment. The agent acting on behalf of the developer has advised that he is fully aware of the requirements and that these can be achieved. Notwithstanding this, Environmental Services are in receipt of a noise impact assessment and any decision must be conditioned to ensure that no works are commenced until the Council is satisfied that the proposed residential development will not prejudice the existing operations abutting the site and that future occupants are adequately protected from noise nuisance. In addition, a contamination report has also been submitted at the request of Environmental Services to ensure that future occupants are living within a safe environment.
- 6.8 In terms of drainage arrangements, foul drainage from the proposed development is to connect to the public sewer and surface water drainage disposed of by a SUDS method. The proposed use of SUDS complies with Policy SLP10 of the adopted plan and Policy ENV36 of the South Lanarkshire Local Plan - Finalised Plan.
- 6.9 Having considered the proposal against the policies contained in both the adopted East Kilbride Local Plan and the South Lanarkshire Local Plan – Finalised Plan I would recommend that the application is granted contrary to Policy LR1 of the adopted East Kilbride and District Local Plan for the following reasons –
- (a) The application site is designated as suitable for residential use in the South Lanarkshire Local Plan – Finalised Plan.
 - (b) The Sports Strategy prepared by the Council states that there is sufficient pitch provision in East Kilbride and a planning approval is in place for a similar expanded facility nearby. This, together with the additional facilities created through the Schools Modernisation Project will compensate for the loss of facilities on this site.
 - (c) The proposal is of a high quality design which takes account of the site topography, local area and uses quality materials.
 - (d) The proposal complies with the detailed development control and design policies set out in both the adopted and emerging local plans.

7 Reason for Decision

- 7.1 For the reasons set out in paragraph 6.9 above.

Iain Urquhart
Executive Director (Enterprise Resources)

18 September 2006

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

► Consultations



S.E.P.A. (West Region)	28/07/06
Roads & Transportation Services H.Q. (Flooding)	10/08/06
Scottish Power	12/06/06
Roads and Transportation Services (East Kilbride)	30/06/06
TRANSCO (Plant Location)	27/06/06
British Telecom	21/07/06
Scottish Water	10/07/06
Environmental Services	03/07/06

► Representations

Representation from : M. Shields, 36 Dunlin, Stewartfield, East Kilbride, G74 4RX,
DATED 12/06/06

Contact for Further Information

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

Allison Russell, x6258, Planning Officer, Civic Centre
(Tel :01355 806258)
E-mail: Enterprise.ek@southlanarkshire.gov.uk

CONDITIONS

- 1 That the development hereby permitted shall be started within five years of the date of this permission.
- 2 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.
- 3 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.
- 4 Before development commences, the developer shall carry out and submit to the Council as Planning Authority, an assessment of the potential for noise disturbance to residents from the existing commercial activities operating from the adjoining industrial estate. If any difficulty is identified, the developer shall submit details for the proposed attenuation of noise for approval by the Council as Planning Authority and the approved attenuation measures must be fully implemented prior to the occupation of any of the dwellings hereby approved. Such an assessment and the recommendation of any attenuation measures shall be carried out by a suitably qualified person.
- 5 That no dwellinghouse shall be occupied until the site is served by a sewerage scheme constructed as approved by the Council in consultation with Scottish Water as Sewerage Authority.
- 6 That prior to any work starting on site, a Drainage Impact Assessment shall be submitted to and approved in writing by the Council as Planning and Roads Authority.
- 7 That no development shall commence on site until detail of surface water drainage arrangements have been submitted to and approved in writing by the Council as Roads and Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems.
- 8 That the required drainage scheme shall be completed in accordance with the approved drainage details prior to the occupation of any dwellinghouse hereby approved.
- 9 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.; (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.

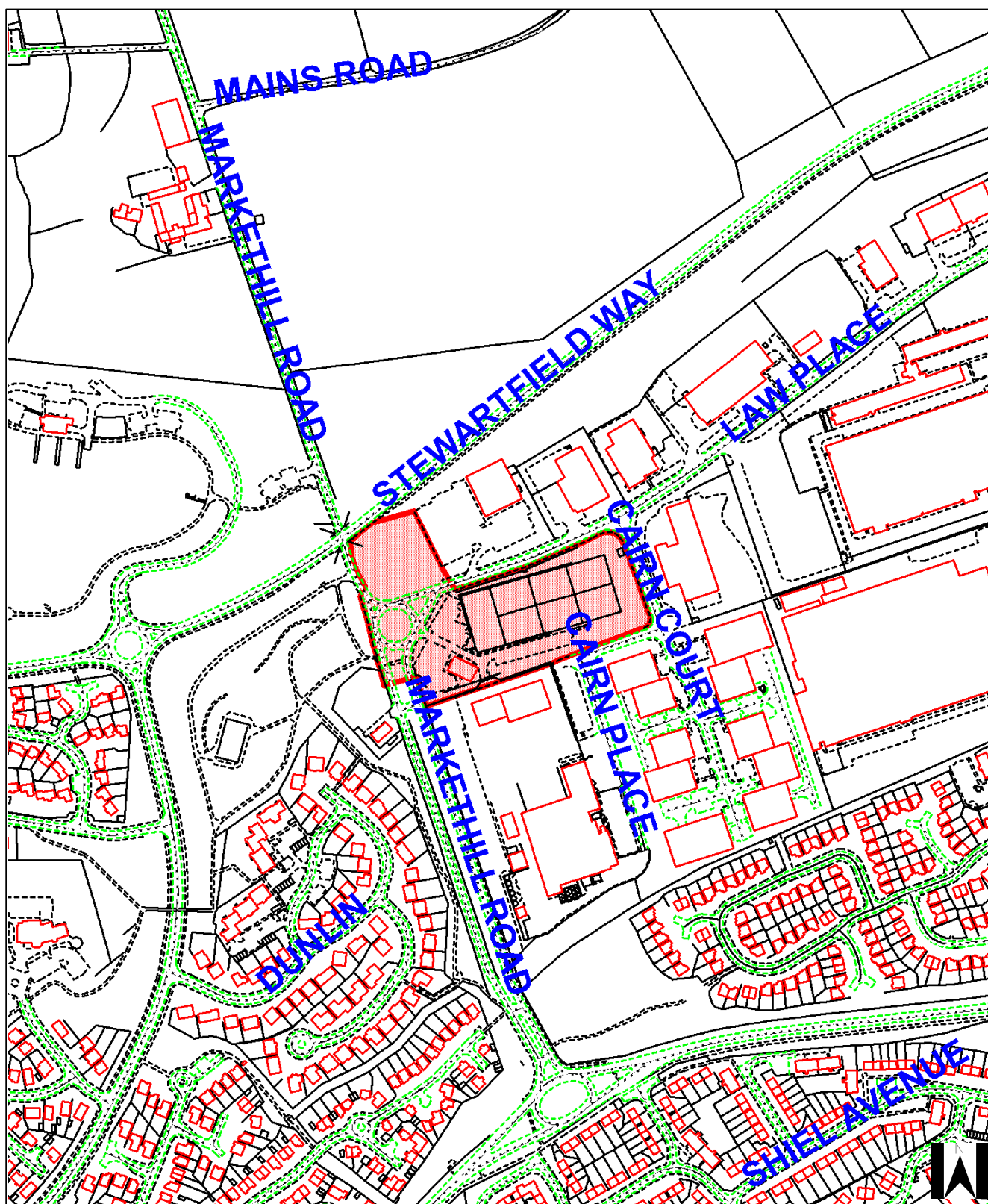
- 10 That the approved landscaping scheme shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.
- 11 That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.
- 12 That before any of the dwellinghouses situated on the site upon which a fence is to be erected is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 11 above, shall be erected and thereafter maintained to the satisfaction of the Council.

REASONS

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interests of amenity and in order to retain effective planning control.
- 3 In the interests of amenity and in order to retain effective planning control.
- 4 To prevent noise disturbance to future occupants of the residential development hereby approved and to ensure that the existing commercial activities operating from the adjoining industrial estate are not prejudiced as a result of the residential development hereby approved.
- 5 To ensure that the scheme for the disposal of sewerage is provided timeously in relation to development of the site.
- 6 To demonstrate that a satisfactory means of waste and surface drainage can be achieved.
- 7 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 to alleviate the potential for off-site flooding.
- 8 To ensure that the scheme for the disposal of surface water is provided timeously in relation to development of the site.
- 9 In the interests of the visual amenity of the area.
- 10 In the interests of the visual amenity of the area.
- 11 These details have not been submitted or approved.
- 12 In order to retain effective planning control

For information only

For information only



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