

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>28 August 2018</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	EK/17/0378
Planning proposal:	Erection of 105 Houses for Social Rent (95 Flats and 10 Houses), with Associated Amenity Space, Landscaping, Car Parking and Infrastructure

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Link Group Ltd
Location:	2 Law Place Nerston Industrial Estate East Kilbride G74 4QL

## 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: Mast Architects Ltd
- ♦ Council Area/Ward: 09 East Kilbride West
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (2015)**  
Policy 4 Development management and placemaking  
Policy 6 General urban area/settlements  
Policy 12 Housing land  
Policy 13 Affordable housing and housing choice  
  
**Supplementary Guidance 3  
Development Management, Placemaking and Design**  
Policy DM1 Design  
Policy DM13 Development within general urban area/settlement

**Proposed South Lanarkshire Local  
Development Plan 2 (Volumes 1 and 2)**  
Policy 3 – General Urban Area/Settlements  
Policy DM1 – New Development Design  
Policy 11 - Housing  
Policy 12 – Affordable Housing

◆ **Representation(s):**

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

◆ **Consultation(s):**

CER Play Provision Community Contributions

Roads Development Management Team

SEPA West Region

SP Energy Network

Scottish Water

RT Flood Risk Management Section

National Grid UK Transmission

SPT

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site consists of a former 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 to the south of the Law roundabout. The application site is located within an identified housing area which was previously granted planning permission for flats in 2006 as part of a development which included the site to the north. Whilst the site is flat, Law Place itself slopes down from west to east which means the site is retained by gabion baskets on the northern and eastern boundaries.
- 1.2 To the north of Law Place is a 4 storey block of flats which was developed in 2006. The application site measures 1.46 hectares. To the south of the site is an industrial unit and beyond that the Muller dairy factory and storage facility. The site is on the edge of the Nerston industrial estate which has seen a number of housing developments in the recent past.

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

- 2.1 Detailed planning permission is sought for the erection of a total of 95 two bedroom flats and 10 terraced houses for social rent. The flats will be spread over 4 blocks – three 4 storey – and one 6 storey. The terraced houses will be in two blocks of 3 houses and one block of four houses. The six storey block is located at the west of the site at the entrance to the site from the Law roundabout. To ensure the site is developable, the applicants are proposing a new gabion wall on the northern and southern boundaries. The details have been agreed with the Council's Geotechnical Officer.

### **3 Background**

#### **3.1 Local Plan Status**

- 3.1.1 With regard to the South Lanarkshire Local Development Plan (adopted 2015), the site falls within the general urban area as defined by Policy 6. Policy 4 – Development Management and Placemaking is also of relevance to the proposal. In addition, the guidance contained within the supplementary guidance document relating to development management, placemaking and design (Policies DM1 and DM13) are of relevance to the proposed development as are Policy 12 – Housing Land and Policy 13 – Affordable Housing and Housing Choice. South Lanarkshire Council's Residential Development Guide also provides additional advice of relevance and sets out the criteria against which new housing development proposals should be assessed.
- 3.1.2 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, Policies 3, DM1, 11 and 12 are relevant

### 3.2 **Relevant Government Advice/Policy**

- 3.2.1 Relevant Government guidance is set out within the Scottish Planning Policy (SPP) which confirms the requirement for the Council to maintain a five year supply of effective housing land. Planning authorities are required to promote the efficient use of land by directing development towards sites within existing settlements, where possible, in order to make effective use of existing infrastructure and service capacity.
- 3.2.2 In terms of residential development, SPP advises that the planning system should enable the development of well designed, energy efficient, good quality housing in sustainable locations and allocate a generous supply of land to meet identified housing requirements across all tenures. New housing developments should be integrated with public transport and active travel networks, such as footpaths and cycle routes, rather than encouraging dependence on the car. New streets should connect well with existing streets and with walking and cycling networks, and allow for links into future areas of development.
- 3.2.3 The SHIP (Strategic Housing Investment Plan) is a key part of South Lanarkshire Council's Local Housing Strategy (LHS) process which links the strategic priorities and outcomes in the LHS to a strategic plan for the delivery of new affordable housing. The Scottish Government has identified the SHIP as the key document for identifying strategic housing projects to assist the achievement of the Scottish Government's target of 50,000 new affordable homes during the life of the current Parliament. The Council has a target to deliver 1000 additional homes by 2021, and has a range of Services working together to identify opportunities to increase housing stock. The application site is identified as a site within the SHIP that will contribute towards the Council New Build Programme.

### 3.3 **Planning Background**

- 3.3.1 Planning permission EK/06/0295 was granted in 2006 for the erection of 60 flats with associated car parking, however, these were never constructed. This application gave consent to a further 20 flats on the site to the north and these were constructed.

## 4 **Consultation(s)**

- 4.1 **Roads and Transportation Services (Development Management)** – ask that conditions relating to surfacing, parking, visibility and drainage be attached.  
**Response:** Noted. These conditions will be attached to any consent granted.
- 4.2 **Roads and Transportation Services (Flood Risk Management)** – no objections subject to conditions relating to Sustainable Urban Drainage (SUDs).  
**Response:** Noted. These conditions will be attached to any consent granted.
- 4.3 **Community Resources** – the proposal is acceptable in principle in terms of community/play provision. As the proposal relates to social housing, no contribution will be sought.  
**Response:** Noted.
- 4.4 **Scottish Water** – no objections  
**Response:** Noted.
- 4.5 **SEPA** – no objections  
**Response:** Noted.
- 4.6 **SP Energy Networks** – no objections

**Response:** Noted.

- 4.7 **Roads and Transportation Services (Geotechnical)** – previously advised that use of the existing gabion retention on site was unsuitable following prolonged assessment of calculations and soil testing. Following updated information in the form of a 'geogrid' retaining wall submitted by the applicant's engineers and their agent Dougal Baillie, the appropriate new gabion walls on the northern and southern boundaries are considered acceptable. A number of conditions should be attached to ensure the construction is appropriate. These include approval of all construction details by the Council as and when they come in.

**Response:** Noted. These conditions have been attached.

- 4.8 **Strathclyde Partnership for Transport** – no response to date.

**Response:** Noted.

## **5 Representation(s)**

- 5.1 Statutory neighbour notification was undertaken following which one letter of representation was received.

**(a) Block 2 overlooks the flats to the north which creates privacy issues. Due to the height difference between the two blocks, this will also cause loss of light and noise and disturbance from construction activity.**

**Response:** Block 2 is in a similar location to a previously proposed block from the 2006 proposal. Due to the orientation of the blocks in question, there are no directly facing windows and I am satisfied that an acceptable level of privacy and sunlight/daylight will be maintained. In addition, the shape of the site dictates the layout of the development and the streetscape benefits from the proposal. The nearest proposed block (Block 2) is in excess of 20 metres from the existing block to the north. Construction is an accepted part of any development; however Environmental Services have appropriate legislation for ensuring noise levels will be maintained.

- 5.2 This letter has been copied and is available for inspection in the usual manner and on the planning portal.

## **6 Assessment and Conclusions**

- 6.1 Planning consent is sought by Link Housing Association for a residential development of 105 dwellings consisting of 95 flatted dwellings and 10 terraces for social rent with associated access, parking and landscaping on land to the south of Law Place, East Kilbride. The proposed flats are three, four storey blocks and one six storey block at the entrance to the site. The proposed development would be accessed from the existing roundabout at Law Place to the north-west corner of the site. The proposal will not only see the provision of vital houses for social rent but will redevelop a site that has been sitting undeveloped for a considerable time and has been subject to fly tipping problems over the years.

- 6.2 The determining issues in the assessment of this application are its compliance with local plan policy as well as its impact on surrounding amenity. Under the terms of 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. In this case, the development plan framework against which the proposal requires to be assessed comprises the South Lanarkshire Local Development Plan (adopted 2015) and its associated supplementary guidance.

- 6.3 In terms of the adopted local development plan, it is noted that the site is located in an area which is an identified housing site as designated by Policy 12. As such, the principle of the use of the site for residential purposes is considered to be acceptable. With regard to the specific design and layout of the proposed development Policy 4 – Development Management and Placemaking requires all proposals to take account of and be integrated with the local context and built form. The policy states that development proposals should have no significant adverse impacts on the local community and, where appropriate, should include measures to enhance the environment and the quality of placemaking. These requirements are further supported by Policy DM13 of the associated supplementary guidance relating to development management, placemaking and design.
- 6.4 It is considered that the proposed development would be appropriate to the site in question in terms of design and layout and would comply with the standards set out in the Council's Residential Development Guide, particularly in relation to road layout, the density of the development, car parking provision and provision of amenity space. The proposed development of modern flats would be in keeping with the settlement pattern of development in the surrounding area. This specific area of Nerston has seen an increase in new housing in the recent past and there are a number of high density flatted developments. The proposed flats are orientated in such a way that there are no privacy issues, overshadowing and no loss of daylight or sunlight. Whilst there is a six storey block at the entrance, it will provide an architectural focal point for the development. The block does not overlook any existing housing and the elevations will be broken up by the use of different materials.
- 6.5 The existing gabion retaining blocks are unsuitable to support development of the site. Given this, the applicants have submitted detailed information, including soil testing and geotechnical calculations. Following detailed discussions, the applicants are now proposing new retaining walls on the northern and southern boundaries as the geotechnical solution. The new retaining walls on the northern and southern boundaries are satisfactory from a geotechnical viewpoint and will have a positive impact on the visual appearance of the northern boundary. This will also ensure the stability of the site for the future and is preferential to maintaining the current gabion baskets.
- 6.6 An appropriate portion of the site will be retained as open space. The application site is identified as a site within the SHIP that will contribute towards the Social Housing New Build Programme, and will provide a welcome addition to social housing provision within the East Kilbride area. In terms of planning contributions, as per Policy 5 of the adopted local development plan, as the site relates to social housing, the Council will not be pursuing any contributions for education, social housing or community facilities.
- 6.7 The Council's Roads and Transportation Services have advised that, subject to conditions relating to access, parking and provision of visibility splays, they have no objections to the proposed development. Subject to the required conditions, it is considered that the proposal would have no adverse amenity impact and would comply with Policy 4 of the adopted local development plan and with all relevant policy and guidance as set out in associated supplementary guidance.

- 6.8 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposal accords with Policies 3, DM1, 11 and 12 in the proposed plan.
- 6.9 Following the standard neighbour notification procedure, one letter of representation was received in relation to the proposed development. The points raised are addressed in detail in Section 5 above. There are no issues raised which would warrant refusal of the application.
- 6.10 In conclusion, it is considered that the proposed development would be appropriate to the site in question in terms of design and layout, would not adversely affect surrounding amenity and would be compliant with the provisions of the relevant policies of the South Lanarkshire Local Development Plan, specifically Policies 4 and 6 as well as with all relevant policy and guidance contained within associated supplementary guidance. I would, therefore, recommend that planning permission is granted for the proposed development subject to the attached conditions.

## **7 Reasons for Decision**

- 7.1 The proposal would have no adverse amenity impact and is compliant with Policies 4 and 6 of the South Lanarkshire Local Development Plan (adopted 2015) and with all relevant associated supplementary guidance.

**Michael McGlynn**  
**Executive Director (Community and Enterprise Resources)**

1 August 2018

### **Previous references**

- ◆ None

### **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2)
- ▶ Neighbour notification letters dated 3 November 2017 & 25 July 2018
- ▶ Consultations

CER Play Provision Community Contributions

SPT

Roads Development Management Team

SEPA West Region

SP Energy Network

Scottish Water

Roads and Transportation Services (Geotechnical)

RT Flood Risk Management Section

► Representations Dated:  
David Lindores, 8 Law Roundabout, Nerston, East Kilbride, 20.11.2017  
G74 4GP

**Contact for further information**

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

Iain Morton, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Ext: 5048 Tel (01698 455048)

Email: [iain.morton@southlanarkshire.gov.uk](mailto:iain.morton@southlanarkshire.gov.uk)



## Detailed planning application

Paper apart – Application number: EK/17/0378

### Conditions and reasons

01. 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: In the interests of the visual amenity of the area.

02. That the landscaping scheme required by condition 1 above 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 the completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

Reason: In the interests of amenity.

03. 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: In the interests of amenity and in order to retain effective planning control.

04. That no development shall commence until details of surface water drainage arrangements 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 shall include signed appendices as required. The development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.

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 on-site and off-site flooding.

05. That before the development hereby approved is completed or brought into use, the vehicular access or driveway of at least 5.5 metres in width shall be provided 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 into the highway.

06. That before the dwellinghouses hereby permitted are occupied; the car parking spaces hereby approved shall be provided outwith the public road or footway and shall thereafter be maintained to the specification of the Council as Planning Authority.

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

07. That before the development hereby approved is completed or brought into use, a visibility splay of 2.4 metres by 43 metres measured from the road channel shall be provided on both sides of the 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 interest of road safety

08. That before the development hereby approved is completed or brought into use, 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 the vehicular access and everything exceeding 0.6 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.6 metres in height shall be planted, placed or erected within these sight lines.

In the interest of public safety

09. The surface of the vehicular access shall be so trapped and finished in hardstanding as to prevent any surface water or deleterious material from running onto or entering the highway.

Reason: In the interest of public safety

10. That all traffic calming should be provided and be in accordance with the National Roads Development Guide.

Reason: In the interest of public safety

11. That during construction wheel wash facilities/ road cleaning regime must be provided. All vehicles should be able to access and exit the site in forward gears. In addition sufficient parking should be provided within the site boundary to accommodate all site staff / operatives parking requirements. Prior to construction commencing, a plan showing the turning area and location and number of spaces for site staff / operatives should be submitted for approval.

Reason: In the interest of public safety

12. That no trees within the application site shall be lopped, topped, pollarded or felled, and no shrubs or hedges shall be removed from the application site without the prior written consent of the Council as Planning Authority.

Reason: To ensure the protection and maintenance of the existing trees and other landscape features within the site.

13. That the existing trees to be retained must be protected in accordance with methods as set out in BS5837/1991 during and until completion of all site operations and building works.

Reason: To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.

14. That all retaining walls around the perimeter of the site (as per drawing number 17-249-SK-18) shall be constructed using the Macwall product or similar type hereby approved. The extent of all soil reinforcement shall be approved in writing by the Council as Planning Authority.

Reason: In the interests of public safety and to ensure the geotechnical stability of the site.

15. That, before any site works commence, design and independent check certificates shall be provided to and approved by South Lanarkshire Council for the retaining walls. The certificates shall state that the selection of soil parameters is included in the scope of the design.

Reason: In the interests of public safety and to ensure the geotechnical stability of the site.

16. That, before any site works commence, design and check certificates shall be provided to and approved by South Lanarkshire Council for the flatted dwelling foundations. The certificates shall confirm that any nearby retaining walls were considered in the foundation design and that they do not compromise the integrity of the foundations.

Reason: In the interests of public safety and to ensure the geotechnical stability of the site.

17. That no construction work shall commence on the flats hereby approved or their foundations until the existing walls have been removed and the new retaining walls have been completed to the satisfaction of the Council as Planning Authority.

Reason: In the interests of public safety and to ensure the geotechnical stability of the site.

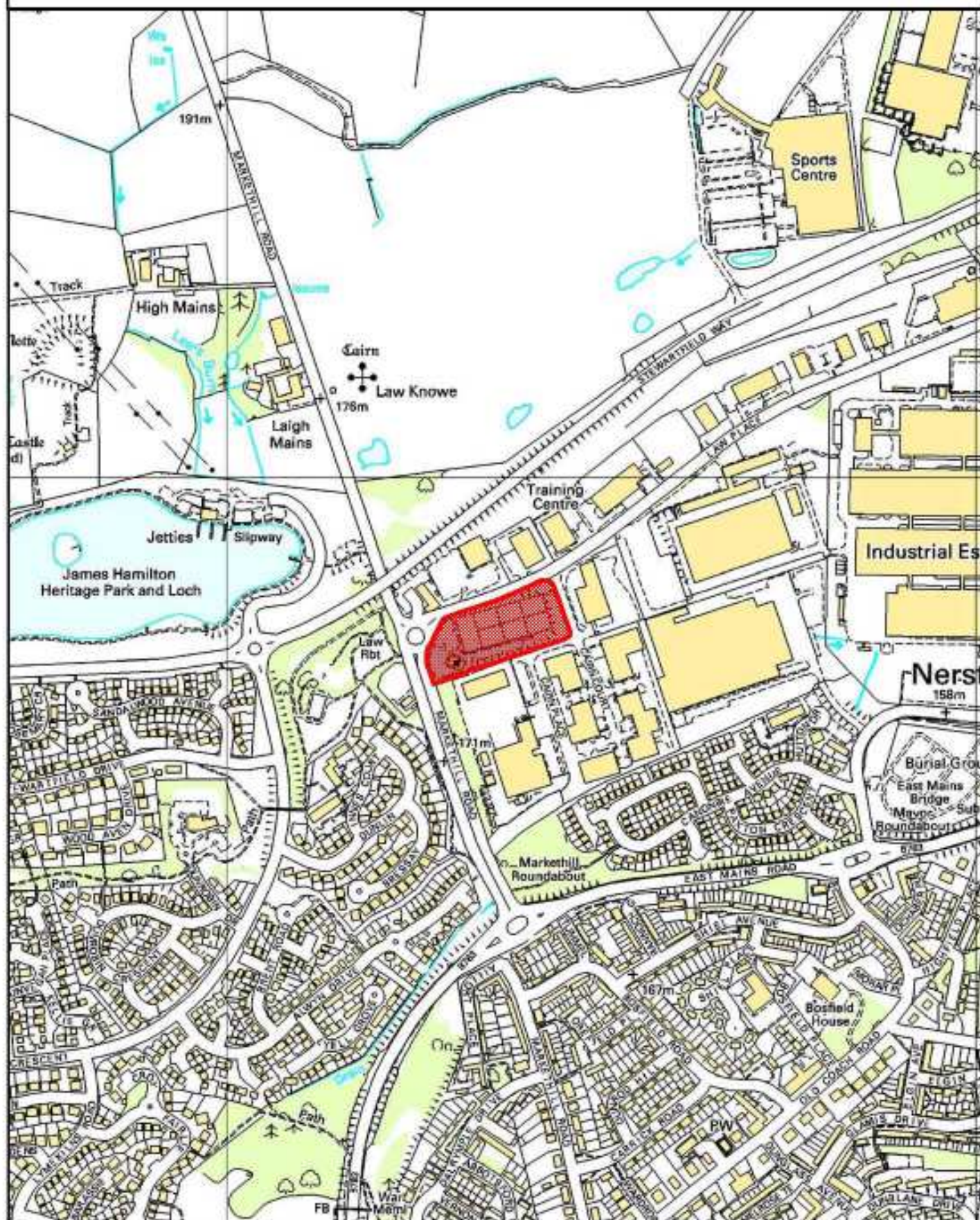
18. That before any of the dwellinghouses hereby approved are occupied, details of the storage and collection of refuse within the development shall be submitted to and approved by the Council as Planning Authority. Thereafter, prior to the occupation of any dwelling, the approved scheme shall be implemented and thereafter maintained to the satisfaction of the Council as Planning Authority.

Reason: To ensure that adequate refuse arrangements are provided that do not prejudice the enjoyment of future occupiers of the development or neighbouring occupiers of their properties, to ensure that a satisfactory external appearance is achieved and to ensure that appropriate access is available to enable refuse collection.



EK/17/0378

2 Law Place, Nerston Industrial Estate



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Scale:  
1:7,000  
Date:  
30/07/2018



South Lanarkshire Council  
Community and Enterprise Resources  
Planning and Economic Development