

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>22 September 2020</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/19/1794
Planning proposal:	Erection of 50 residential dwellings, associated landscaping and infrastructure

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Stewart Milne Homes Central Scotland
Location:	Land 110M Northwest of Littlepark Cottage Jackton Road East Kilbride Glasgow South Lanarkshire

## 2 Recommendation(s)

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

- (1) Grant detailed planning permission (subject to conditions) based on conditions attached

### 2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.

## 3 Other information

- ◆ Applicant's Agent:
- ◆ Council Area/Ward: 06 East Kilbride South
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015):**  
Policy 2 Climate Change  
Policy 4 Development management and placemaking  
Policy 5 Community infrastructure assessment  
Policy 12 Housing land  
Policy 13 Affordable housing and housing choice  
Policy 16 Travel and transport  
Policy 17 Water environment and flooding

**South Lanarkshire Local Development Plan  
(Supplementary Guidance)**

## **Development Management, Place Making and Design**

DM1 Design

### **Affordable Housing and Housing Choice**

### **Sustainable Development and Climate Change**

SDCC 2 - Flood risk

SDCC 3 - Sustainable drainage systems

SDCC 4 - Water supply

SDCC 5 - Foul drainage and sewerage

### **Proposed South Lanarkshire Local Development Plan 2**

Policy 2 Climate Change

Policy 5 Development Management and Placemaking

Policy 11 Housing

Policy 12 Affordable Housing

Policy 15 Travel and Transport

Policy 16 Water Environment and Flooding

Policy DM1 New Development Design

Policy SDCC2 Flood risk

Policy SDCC3 Sustainable Drainage Systems

Policy DM15 Water Supply

Policy DM16 Foul Drainage and Sewerage

#### **◆ Representation(s):**

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

#### **◆ Consultation(s):**

Roads Development Management Team

Environmental Services

Roads Flood Risk Management

Scottish Water

Jackton and Thorntonhall Community Council

West of Scotland Archaeology Service

Arboricultural Services

SEPA Flooding

Housing Planning Consultations

CER Play Provision Community

Education Resources School Modernisation Team

# **Planning Application Report**

## **1 Application Site**

- 1.1 The planning application site relates to an area of land to the south of the village of Jackton. The site sits to the south of Eaglesham Road and to the west of Jackton Road. The site is bounded by Eaglesham Road to the north and by recently developed Cala Homes houses to the west (EK/15/0071). A small group of existing older residential properties are located immediately to the east of the site. The site is fairly level, sloping gradually down towards the north at Eaglesham Road. There are a number of trees along the southern boundary, primarily within the group of properties at Little Park House. The site extends to approximately 2.82 hectares. The site is located in the East Kilbride Community Growth Area.

## **2 Proposal(s)**

- 2.1 The applicants propose the erection of a residential development of 50 dwellings, comprising, 43 detached and 7 terraced units, internal roads, parking areas and informal open spaces. All of the dwellings will be two storey and range from 3 bedrooms to 6 bedrooms. Two parking courts/off street parking spaces are provided to serve the terraced dwellings. All the properties will be finished externally with modern materials including brick, stone and rendered walls, concrete roof tiles and UPVC windows.
- 2.2 The development will be located on the existing access from Jackton Road to the recently developed Cala Homes development on Kavanagh Crescent (EK/15/0071). The development will retain the existing hedge, reducing it in height to 1.2m along the boundary with Eaglesham Road and will remove the remainder of hedging along the west side of Jackton Road. The mature trees along the southern boundary with Little Park properties will be retained, with many of the trees being located out with the development site. A small open landscaped area will be created in the centre of the site and new planting will also be provided around the perimeter of the site. The proposed Sustainable Urban Drainage System will include an underground cellular storage area adjacent to the existing pumping station on Jackton Road adjacent to the junction with Eaglesham Road. A second smaller underground cellular storage area will be located further south on Jackton Road close to the junction with Kavanagh Crescent.
- 2.3 The development is classified as a 'Major' development under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and was the subject of pre-application consultation, including a public exhibition held in the Greenhills Hall, Greenhills Crescent in East Kilbride, on 22 August 2019. A number of documents have been provided in support of the application, namely a Pre-application Consultation Report, Site Investigation Report, Planning Statement, Ecological Report, Tree Survey, Noise Impact Assessment and a Design and Access Statement.

## **3 Background**

### **3.1 Relevant Government Advice/Policy**

- 3.1.1 Scottish Planning Policy (2014) (SPP) advises that proposals that accord with up-to-date plans should be considered acceptable in principle. In terms of residential development, the SPP advises that the planning system should enable the development of well designed, energy efficient, good quality housing in sustainable

locations and allocate a generous supply of land to meet identified housing requirements.

### 3.2 **Local Plan Status**

- 3.2.1 In determining this planning application the Council must assess the proposed development against the policies contained within both the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and Supplementary Guidance (SG) produced in support of the SLLDP.
- 3.2.2 In land use terms, the application site is identified within the adopted SLLDP as a forming part of the Council's housing land supply (Policy 12). In terms of those sites identified as part of the Council's housing land supply (Policy 12) their development for residential purposes is supported (subject to compliance with normal development management criteria), as this will assist the Council in meeting its housing needs.
- 3.2.3 With regard to normal development management criteria, a number of other policies within the adopted SLLDP are considered appropriate to the determination of this application, namely Policy 2 – Climate Change, Policy 4 - Development Management and Placemaking, Policy 5 - Community Infrastructure Assessment Policy 13 - Affordable Housing and Housing Choice, Policy 16 - Travel and Transport and Policy 17 - Water Environment and Flooding.
- 3.2.4 These principle policies are supported by its specific policy guidance provided through approved Supplementary Guidance on the following topics,
- Development Management, Place Making and Design SG 3  
Policy DM 1 – Design and Policy DM13 – Development within General Urban Area/Settlement),
  - Affordable Housing and Housing Choice SG 7
  - Sustainable Development and Climate Change SG 1  
Policy SDCC 2 - Flood Risk, Policy SDCC 3 - Sustainable Drainage Systems, Policy SDCC 4 - Water Supply and Policy SDCC 5 - Foul Drainage and Sewerage.

The aim of these policies and guidance is to seek well designed development which is located in appropriate locations, appropriately serviced and result in no significant adverse impact.

- 3.2.5 In addition, the Council has prepared a Residential Design Guide. The aim of the associated policies and guidance is to seek well designed development which is located in appropriate locations and is appropriately serviced.
- 3.2.6 An assessment of the proposal against these specific policies is contained in Section 6 of this report.
- 3.2.7 On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2. A number of amendments to policy have been recommended which will be carried through to adoption stage. For the purposes of determining planning applications, the Council will assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan and those within the proposed South Lanarkshire Local Development Plan 2 alongside the Reporters amendments. Whilst the Reporters amendments have yet to be ratified by South Lanarkshire Council they are nevertheless a material consideration. In this instance, Policies 2, 5, 11, 12, 15, 16, SDCC2, SDCC3, DM1, DM15 and DM16 are relevant.

### 3.3 Planning History

- 3.3.1 Planning Permission in Principle (EK/11/0202) for the wider East Kilbride Community Growth Area was approved at Planning Committee in March 2012, subject to the conclusion of a Section 75 Legal Agreement in respect primarily of financial contributions towards infrastructure affected by the development. Following signing of the agreement, the planning permission was subsequently issued on 10/09/2020. In December 2017, two planning applications (EK/18/0023 and EK/18/0024) were submitted by Cala Homes for the development of 35 and 14 dwellings on the site. Neither of these applications have been determined to date, however, are expected to be withdrawn. As stated in paragraph 2.3 above, a Pre Application Notice (P/19/0010/PAN) was submitted in relation to the current proposal by Stewart Milne Homes in July 2019. The access road through this site, Kavanagh Crescent, was built as part of the previously developed adjacent site by Cala Homes (EK/15/0071).

## 4 Consultation(s)

- 4.1 **Roads and Transportation Services (Development Management)** – have no objections to the proposal subject to conditions being attached to any consent in respect of footway provision, Travel Information Pack, surface water drainage, parking provision requirements and a Traffic Management Plan.

**Response:** Noted. Appropriate conditions and advisory notes will be added to any consent issued.

- 4.2 **Education Resources School Modernisation Team** – have no objections to the proposed development.

**Response:** Noted. A Section 75 Legal Agreement has been concluded in respect of planning permission EK/11/0202, which also relates to this application site.

- 4.3 **Housing Services** – have no objections to the proposal however developer contributions would be required towards off site provision of affordable housing.

**Response:** Noted. A Section 75 Legal Agreement has been concluded in respect of planning permission EK/11/0202, which also relates to this application site.

- 4.4 **Community Services** – have noted the provision of an off-site woodland walkway for EK/11/0202 which satisfies the requirements for outdoor space and recreation.

**Response:** Noted.

- 4.5 **Jackton and Throntonhall Community Council** – object to the proposed development on the grounds that:-

- (a) **The development does not conform to the South Lanarkshire Council CGA Master Plan Development Framework set out in Planning Application EK/09/0218.**

**Response:** The proposal development is outwith the area covered by the Master Plan, however, is identified in the South Lanarkshire Local Development Plan as a housing site and forms part of the wider East Kilbride Community Growth Area approved by Planning Committee under Planning Permission in Principle (EK/11/0202).

- (b) **The development would represent undesirable ribbon development along the southern side of Eaglesham Road.**

**Response:** The site is identified in the South Lanarkshire Local Development Plan as a housing site and forms part of the wider East Kilbride Community Growth Area approved by Planning Committee under Planning Permission in Principle (EK/11/0202). It completes development between Jackton Road and the recently developed Cala Homes development at Kavanagh Crescent.

- (c) **The access would be via Jackton Road which is not suitable in terms of its construction and its junction with Eaglesham Road to accommodate the volume of traffic that would be generated by this and other proposed developments.**

**Response:** Roads and Transportation Services raised no objections to the proposed development. The suitability of the road networks has also been considered when the site was identified as a housing site as part of the wider CGA in the Local Development Plan.

- (d) **The applicants should be making financial contributions to infrastructure and educational facilities.**

**Response:** The applicant has agreed to make financial contributions towards affordable housing, education and roads and transportation facilities. These contributions are detailed in the legal agreement associated with planning permission EK/11/0202.

- 4.6 **Environmental Services** – have no objections, subject to conditions and advisory notes being attached in respect of contaminated land site investigation remediation, noise assessment, limiting construction noise and dust management and monitoring.  
**Response:** Noted. Appropriate conditions and advisory notes will be added to any consent issued.

- 4.7 **Roads Flood Risk Management** – have no objections to the proposed development subject to conditions in relation to the implementation of a Sustainable Drainage Design designed and independently checked in accordance with the Council's SUDS Design Criteria Guidance including a flood risk a Flood Risk/Drainage assessment (FRA) and completion of Appendices 1 -5.

**Response:** Noted. Appropriate conditions will be added to any consent issued.

- 4.8 **Scottish Water** – have no objections to the proposed development.

**Response:** Noted.

- 4.9 **SEPA Flooding** – have no objections to the proposed development

**Response:** Noted.

- 4.10 **WoSAS** – have no objections to the proposed development subject to a condition in relation to the submission and approval of a programme of archaeological works in accordance with a written scheme of investigation prior to the commencement of works on site.

**Response:** Noted. Appropriate conditions will be added to any consent issued.

- 4.11 **Arboricultural Services** – conditions require to be attached to any consent in respect of tree protection, pre-commencement site meeting and specific protection for trees along the southern boundary with Little Park properties.

**Response:** Noted. Appropriate conditions will be added to any consent issued.

## 5 Representation(s)

5.1 Statutory notification was undertaken and the proposals advertised in the local press for non-notification of neighbours. Following this, 20 letters of objection were received. The issues raised in all representations can be summarised as follows:-

- (a) **The proposed development is over development of the site, is a significant increase in number of dwellings from the previous Cala Homes planning applications on the site and is out of scale and of a different character to the existing Cala Homes development**

**Response:** The site is identified in the South Lanarkshire Local Development Plan as forming part of the Housing Land Supply and the site is considered suitable to accommodate 50 dwellings as proposed. The character of the proposed development, being predominantly detached dwellings, is not dissimilar to surrounding modern developments in the Eaglesham Road area in the west of East Kilbride.

- (b) **The site is Green belt and its development for housing is not justified and will have an adverse impact on the rural environment, ecology and cause an increase in pollution.**

**Response:** The site is identified in the South Lanarkshire Local Development Plan as forming part of the Housing Land Supply and has been assessed through the Local Development Plan Process as part of the wider East Kilbride Community Growth Area. The site is not designated as Green Belt, rather is identified as being within the settlement boundary. The applicants have submitted an Ecological Report and mitigation measures have been included in the design and conditions are proposed in respect of these measures.

- (c) **The proposed development will have an adverse impact on the character of the Eaglesham Conservation Area.**

**Response:** The proposed development site is located in East Kilbride and is not in close proximity to the Eaglesham Conservation Area and would be unlikely to have an impact on this designated Conservation Area.

- (d) **Jackton Road is narrow and unsuitable for additional traffic from this number of houses and the junction with Eaglesham Road is dangerous and requires to be improved to provide capacity for the additional traffic.**

**Response:** Roads and Transportation Services raised no objections to the proposal. Junction improvements are proposed at the junction with Eaglesham Road as part of the wider CGA road improvements. This will include the creation of a right hand turning lane on Eaglesham Road into Jackton Road.

- (e) **Plots 1, 2 and 9 are too close to the junction and using their driveways would lead to road safety issues for other road users.**

**Response:** Roads and Transportation Services raised no objections to the proposed parking and road layout. No changes to the proposed driveways at these plots were required.

- (f) **Plots 3 – 14 with driveways onto Kavanagh Crescent and a lack of on street parking bays for large houses will lead to road safety issues with cars parking on the street narrowing the road width, especially after 2021 when new laws about parking on pavements come into force. There is a general lack of on-street parking bays on the site.**

**Response:** Roads and Transportation Services raised no objections to the proposed parking and road layout. The parking provision has been assessed and meets with the current required standards.

- (g) The on-street parking spaces for the terraced houses are too close to the junction opposite and will lead to road safety issues.**

**Response:** Roads and Transportation Services raised no objections to the proposed parking and road layout. The parking provision has been assessed and meets with the required standards.

- (h) There should be a footway provided along Jackton Road to the Eaglesham Road junction.**

**Response:** A footway is proposed along the western side of Jackton Road linking the proposed development with Eaglesham Road.

- (i) The proposed footway along Eaglesham Road suggests it will be 2m wide. The existing footway is not 2m wide.**

**Response:** A condition would be attached to any consent issued requiring a 2m wide footway be formed along this stretch of Eaglesham Road.

- (j) The arrangement of plots 42, 43 and 44 are such that they will have an adverse impact on the privacy of the existing properties, particularly no. 2 Kavanagh Crescent with short rear gardens and less than 20m between the windows of no.2 and plot 42. The proposed fencing layout does not sit well with the existing walls and fences in the Cala development at this location.**

**Response:** These plots have been moved forward following discussions between the existing resident and Stewart Milnes Homes. The relocation has provided a longer rear garden length and a window to window distance of more than 20m. The fencing and walling detail has also been altered to resolve the issue.

- (k) The house type proposed at plot 48 is a three storey house, with living space in the roof, which is higher than the other houses. It is overbearing and will lead to a loss of privacy and light for existing properties to the rear, particularly no. 12 Kavanagh Crescent.**

**Response:** Although this house type is higher than neighbouring properties, it is a two storey house with living space in the roof which is lit by velux style window rather than dormer windows. The window to window distance between the existing properties and the proposed house is greater than 20m, approximately 22.5m, therefore, it is not considered that the proposed house will have a significant adverse impact in terms of privacy or loss of light.

- (l) The proposed boundary fence and retaining structures at the rear of the plots 42 to 50 will block access for maintenance of the existing rear fences in the Cala houses.**

**Response:** It is proposed by the developer to utilise the existing rear fencing which is on a mutual boundary between the two developments. The developer would be erecting internal side fences which would not be attached to the existing rear fences. The existing fencing could be maintained from inside the rear gardens of the existing properties.

- (m) The proposed rear retaining structure and 1.8m fence at plot 50 will block the view and light from the existing property at 18 Kavanagh Crescent.**



**Response:** Given the topography and level at this location and the position of the existing house and plot 50 it is not considered that the proposed boundary treatment will block light from the existing property. The loss of a view is not a material planning consideration.

- (n) **There is a lack of play areas and open space provided in the proposed development and no remaining facilities in the surrounding area. This will lead to residents using the open space in the Cala development on Kavanagh Crescent.**

**Response:** The development proposes a small area of open space in the centre of the site close to plots 42 and 43 together with areas around the edge of the site. There are also proposals in the wider Community Growth Area to provide play areas and larger areas of open space.

- (o) **There is no landscape buffer proposed between the development and the existing Cala houses which previous applications had proposed.**

**Response:** In relation to potential amenity impacts, it is not considered that a landscape buffer is required between the existing and proposed residential properties.

- (p) **The development will result in the loss of hedgerows which are important to wildlife in the area and no replacement hedgerows are proposed.**

**Response:** Although the remaining hedge along the west side of Jackton Road and a section of hedge on Eaglesham Road closest to the junction with Jackton Road will be removed, the development includes a range of planting including hedges throughout the site.

- (q) **There are existing drainage problems in the area in that the existing drainage and sewerage system is inadequate causing flooding particularly in the north east corner of the site close to the pumping station. The proposed development will increase the drainage and flooding problems in the area.**

**Response:** SEPA and Roads and Transportation Services Flood Management Section have been consulted and have raised no objection to the proposed development. Conditions in relation to the implementation of a Sustainable Drainage Design designed and independently checked in accordance with the Council's SUDS Design Criteria Guidance and submission of an up dated Flood Risk/Drainage Assessment (FRA) will be attached to any consent issued.

- (r) **The development will have an adverse impact on the White Cart Flood Prevention Scheme and flood protection for the city of Glasgow and the wider area.**

**Response:** SEPA and Roads and Transportation Services Flood Management Section have been consulted and have raised no objection to the proposed development. Conditions in relation to the implementation of a Sustainable Drainage Design designed and independent check in accordance with the Council's SUDS Design Criteria Guidance and submission of an up dated Flood Risk/Drainage Assessment (FRA) will be attached to any consent issued. It not considered likely that the development would have an adverse impact on the wider flood protection schemes.

- (s) **The construction of the development will have an adverse impact for existing residents in respect of noise, dust, smells, hazardous materials, disturbance and road safety, damage to the road, with the construction vehicles using the only access, Kavanagh Crescent, to the existing houses. Access for existing residents must not be obstructed during the construction period.**

**Response:** A number of conditions will be attached to any consent to control these issues. These would include the submission and approval of a Construction Traffic Management Plan prior to any work starting on site. This would address arrangements for construction vehicle parking in order to minimise disturbance to existing residents.

- (t) **The development does not make any provision for bus stops and there are no bus stops on the existing roads which restricts future transport options for school transport and other bus services.**

**Response:** The provision of bus stops and access to the wider bus network is being addressed through the East Kilbride Community Growth Area planning permissions, associated legal agreements and conditions which would be attached to any planning consents issued.

- (u) **Questions the range of tenure on the site, whether any of the houses will be affordable housing or other types of shared ownership.**

**Response:** All of the properties in the development will be sold as private sector housing. The developer will be required to make a financial contribution towards the provision of affordable housing in the wider area.

- (v) **The plans do not show the proposed new roundabout on Eaglesham Road.**

**Response:** The location of any proposed roundabout is associated with the East Kilbride CGA and is not part of this development. The main spine road and associated roundabout has been granted planning permission (EK/17/0305). Roads and Transportation have assessed the proposed development under consideration to ensure that it is compatible with the wider CGA proposals.

- (w) **Copies of the builder's environmental impact assessment procedures must be made available to all current residents so that we can all see proper procedures are being adhered to.**

**Response:** The developer has submitted a number of documents in support of the application, including Site Investigation Report, Noise Impact Assessment and an Ecological Report which are all available to view on the Council website. In addition, an Environmental Statement was submitted and assessed as part of the East Kilbride Community Growth Area application (EK/11/0202). A further formal Environmental Impact Statement was not required for this current planning application for 50 houses.

- (x) **What measures are in place to ensure that the developer adheres to the approved plans?**

**Response:** The developer will be required to comply with all planning conditions and the approved plans. The development will be monitored by the Planning Service to ensure compliance and procedures are in place to address any issues that may arise.

- (y) **Kavanagh Crescent is in private ownership at present and the residents of the existing Cala houses contribute financially to the up keep of the landscaping along the road by a factor.**

**Response:** This stretch of road has not been adopted by the Council to date and the arrangements and costs for the up keep of the road are a matter for the owners of the land and are not a material planning consideration.

**(z) The proposed development will have an adverse impact on the value of properties in Dale Avenue.**

**Response:** Property values are not a material planning consideration.

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

## **6 Assessment and Conclusions**

- 6.1 The applicants propose a residential development of 50 dwellings, comprising, 43 detached and 7 terraced units, internal roads, parking areas and informal open spaces. In terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, planning applications have to be determined in accordance with the development plan unless other material considerations indicate otherwise. The main determining issues in assessing this proposal are whether it accords with local plan policy, its impact on amenity and road safety matters.
- 6.2 Policy 4 (Development Management and Placemaking) seeks to ensure that development takes account of and is integrated with the local context and built form. Proposals should have no significant adverse impacts on the local community and include where appropriate measures to enhance the environment. The design and scale of the proposed development is considered acceptable in this location. The site is identified in the South Lanarkshire Local Development Plan as forming part of the Housing Land Supply and the site is considered suitable to accommodate 50 dwellings as proposed. The proposed development layout is appropriate in this location and complies with the guidance set out in the Residential Design Guide, in respect of window to window distances, providing suitable garden ground and off street parking for each property, sufficient open space and landscaping and provides a range house types. Roads and Transportation Services are satisfied with the proposed road layout, access and parking provision. The proposed development is considered to be consistent with Policy 4 and with the policy guidance set out within the associated Supplementary Guidance Development Management, Placemaking and Design.
- 6.3 As set out above, the site is identified as a proposed housing site (Policy 12). Residential development of the site is therefore acceptable, subject to compliance with normal development management criteria. The site is, therefore, considered acceptable in terms of the designation as a housing site with the adopted SLLDP.
- 6.4 With regard to road safety, Policy 16 - Travel and Transport - requires all new development proposals to consider the resulting impacts of traffic growth. The impact of the proposal on the local road network and in terms of parking provision has been fully assessed by Roads and Transportation Services who have offered no objections, subject to conditions being attached to any consent in respect of footway provision, Travel Information Pack, surface water drainage, parking provision requirements and a Traffic Management Plan. The proposal can therefore be considered acceptable in transportation and road safety terms.

- 6.5 The application site forms part of the wider East Kilbride Community Growth Area which has been granted planning permission (EK/11/0202) and is identified in the South Lanarkshire Local Development Plan as a development priority encouraging sustainable economic growth of East Kilbride. It is, therefore, considered to be in a sustainable location. Given the site's location, it is considered that the site can be appropriately serviced in terms of water and sewerage. No objections have been received from consultees in this regard. Conditions will be attached in respect of the detailed submission and implementation of a Sustainable Drainage Design. The proposal is therefore acceptable when assessed against Policy 2 – Climate Change and Policy 17 - Water Environment and Flooding of the SLLDP and the Sustainable Development and Climate Change Supplementary Guidance.
- 6.6 The Council's adopted policy on Community Infrastructure Assessment (Policy 5) advises that a financial contribution from the developer will be sought where it is considered that a development requires capital or other works or facilities to enable the development to proceed. The application site falls within the application site boundary of part of the East Kilbride CGA covered by planning permission in principle EK/11/0202. This permission includes a legal agreement setting out the requirements for developer contributions and works to cover roads and transportation infrastructure, education facilities, community facilities and affordable housing. The principle of developer contributions and associated works to mitigate infrastructure impacts for the CGA has therefore already been established and agreed. For clarification, this CGA legal agreement includes the application site boundary relating to the planning application under consideration (P/19/1794) and, therefore, the associated share of developer contributions relative to this site has already been agreed and approved. As such, it is considered that all matters relating to community infrastructure assessment set out in Policy 5 have been addressed and the proposed development is in compliance with this policy. In terms of Policy 13 (Affordable Housing), it is noted that the proposal under consideration does not include any on-site affordable housing. However, planning permission EK/11/0202 does include proposals for on-site affordable housing, together with a commuted sum for the area covered by planning application P/19/1794, which is considered to satisfy the requirements of Policy 5 and those of Policy 13 - Affordable Housing and Housing Choice.
- 6.7 The proposed development has been considered against the relevant policies in the Proposed South Lanarkshire Local Development Plan 2 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 proposals accords with Policies 2, 5, 11,12, 15, 16, SDCC2, SDCC3, DM1, DM15 and DM16 in the Proposed plan.
- 6.8 Twenty letters of objection were received in respect of the proposal, the grounds of which have been addressed in Section 5 above and do not merit refusal of the application. The requirements of the statutory consultees have been addressed through the use of conditions where appropriate.
- 6.9 In summary, it is considered that the proposal conforms to development plan policy and that the proposal raises no significant environmental or infrastructure issues. Following a full and detailed assessment of the proposed development, it is considered that the proposed development is in accordance with the adopted South Lanarkshire Local Development Plan and associated Supplementary Guidance and the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and on that basis, it is recommended that planning permission is granted.

## **7 Reasons for Decision**

- 7.1 The proposal complies with Policies 2, 4, 12, 13, 16 and 17 of the Adopted South Lanarkshire Local Development Plan and with associated Supplementary Guidance Development Management Place Making & Design and Sustainable Development. The proposal also complies with Policies 2, 5, 11, 12, 15, 16, SDCC2, SDCC3, DM1, DM15 and DM16 of the Proposed South Lanarkshire Local Development Plan 2.

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

Date: 14 September 2020

### **Previous references**

- ◆ Planning Permission EK/11/0202
- ◆ Planning Permission EK/15/0071
- ◆ Planning Application EK/18/0023
- ◆ Planning Application EK/18/0024

### **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 05.12.2019
  
- ▶ Consultations
  - Roads Development Management Team 13.01.2020  
&  
03.09.2020
  - Environmental Services 27.05.2020  
&  
27.05.2020
  - Roads Flood Risk Management 09.01.2020
  - Scottish Water 12.12.2019
  - Jackton and Thorntonhall Community Council 07.01.2020
  - West of Scotland Archaeology Service 06.12.2019
  - Arboricultural Services 03.04.2020
  - SEPA Flooding 21.01.2020
  - Education Resources School Modernisation Team 20.12.2019

► Representations	Dated:
Ms Kelly Simms, 31 Kavanagh Crescent, East Kilbride, Glasgow, South Lanarkshire, G75 8WS	16.12.2019
Lucy Cooper, Received Via Email	28.01.2020
Mrs Gail Smith, Lawside, Jackton Road, Jackton Glasgow, South Lanarkshire, G75 8RR	21.12.2019
Mrs Carolyn Haddow, 21 Kavanagh Crescent, East Kilbride, Glasgow, South Lanarkshire, G75 8WS	24.12.2019
Mr Matt Quinn, 29 Kavanagh Crescent, East Kilbride, Glasgow, South Lanarkshire, G75 8WS	07.12.2019
Mrs Lucy Clarke, 19 Kavanagh Crescent, East Kilbride, Glasgow, South Lanarkshire, G75 8WS	22.12.2019
Mr Garry McGregor, 16 Kavanagh Crescent, East Kilbride, Glasgow, South Lanarkshire, G75 8WS	25.12.2019
Mr Gary Rowe, 3 Kavanagh Crescent, East Kilbride, Glasgow, South Lanarkshire, G75 8WS	16.12.2019
Mr Stephen Smith, 6 Kavanagh Crescent, East Kilbride, Glasgow, South Lanarkshire, G75 8WS	20.12.2019
Ms F Gellatly, 14 Kavanagh Crescent, East Kilbride, Glasgow, South Lanarkshire, G75 8WS	20.12.2019
Mr Malcolm McMichael, 8 Kavanagh Crescent, East Kilbride, Glasgow, South Lanarkshire, G75 8WS	24.12.2019
Mrs Marie McNally, 12 Kavanagh Crescent, East Kilbride, Glasgow, South Lanarkshire, G75 8WS	25.12.2019
Mr Robert Gardiner, 18 Kavanagh Crescent, East Kilbride, Glasgow, South Lanarkshire, G75 8WS	18.12.2019
Mr Guerino Marini, 2 Kavanagh Crescent, East Kilbride, Glasgow, South Lanarkshire, G75 8WS	16.12.2019
Mr Mark Noble, 11 Kavanagh Crescent, East Kilbride, Glasgow, South Lanarkshire, G75 8WS	15.12.2019
Mrs Geraldine Davis, 5 Kavanagh Crescent, East Kilbride, Glasgow, South Lanarkshire, G75 8WS	16.12.2019
Mr Ritchie Gilchrist, South Craighall Farm, Jackton Road, Jackton Glasgow, South Lanarkshire, G75 8RR	19.12.2019
Mr Craig Sinclair, 14 Kavanagh Crescent, East Kilbride, Glasgow, South Lanarkshire, G75 8WS	20.12.2019
Mr Gordon Gilmour, 7 Kavanagh Crescent, East Kilbride, Glasgow, South Lanarkshire, G75 8WS	24.12.2019
Audrey Scott, Received Via Email	30.12.2019

**Contact for further information**

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

Morag Neill, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

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Email: [morag.neill@southlanarkshire.gov.uk](mailto:morag.neill@southlanarkshire.gov.uk)

### **Conditions and reasons**

01. 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.

02. 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.

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

03. 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 2 shall be erected and thereafter maintained to the satisfaction of the Council.

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

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 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.

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

Reason: To safeguard the residential amenity of the area.

07. That prior to the commencement of development, details of the land drainage works shall be submitted to and approved by the Council as Planning Authority.



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

08. That the development hereby approved shall not be commenced until the land drainage works have been completed in accordance with the plans submitted to and approved by the Council as Planning Authority under the terms of Condition 7 above.

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

09. 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.

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

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

11. That before the development starts, a certificate or report from a recognised firm of chartered engineers shall be submitted to the Council as Planning Authority confirming the structural stability of all retaining walls. Thereafter the developer shall incorporate the full recommendations and requirements of the certificate or report in the design and construction of the development approved under this consent.

Reason: In the interest of public safety

12. That should more than 6 months elapse from the date of the protected species survey and the commencement of works, a further survey shall be carried out and no work shall commence until the applicant receives written confirmation from the Council as Planning Authority.

Reason: In order to retain effective planning control

13. 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 1,2,3,4 & 5).

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.

14. 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 13 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 on-site and off-site flooding.

15. Prior to the commencement of development the preferred remediation option, in relation to land contamination, as set out in the recommendations of the "Report on Site Investigations" dated 18 January 2018, Project Ref P17/415, by Mason Evans Partnership Ltd, shall be submitted to approved by the Council as Planning Authority and thereafter implemented in full.

Reason: To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.

16. (a) Remediation of the site shall be carried out in accordance with the approved remediation plan prior to the proposed development being brought into use. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Council as Planning Authority.

(b) On completion of the remediation works, the developer shall submit a completion report to the Council as Planning Authority, confirming that the works have been carried out in accordance with the approved remediation plan and that the works have successfully reduced these risks to acceptable levels.

(c) Any previously unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of the Council as Planning Authority within one week or earlier of it being identified. A more detailed site investigation to determine the extent and nature of the contaminant(s) and a site-specific risk assessment of any associated pollutant linkages, shall then require to be submitted to and approved in writing by the Council as Planning Authority.

Reason: To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.

17. Prior to the occupation of each dwellinghouse on the site, the occupier shall be provided with a Travel Information Pack covering public transport and active travel options to the satisfaction of the Council as Planning Authority.

Reason: In order to retain effective planning control.

18. That unless otherwise agreed and prior to the occupation of the first dwelling, a new 2m wide footway shall be provided along Jackton Road between Eaglesham Road and the existing access road Kavanagh Crescent to the satisfaction of the Council as Planning Authority.

Reason: In the interests of traffic and public safety.

19. That unless otherwise agreed and prior to the occupation of the first dwelling, the existing footway along Eaglesham Road from Jackton Road to the footpath link opposite Hayhill Road shall be upgraded and widened to a minimum of 2m and where possible, retaining the existing hedge to the satisfaction of the Council as Planning Authority.

Reason: In the interests of traffic and public safety.

20. That before any works starts a Traffic Management Plan (TMP) for that construction phase with information such as, but not limited to, construction phasing, site deliveries routing/timings, construction compound layout, turning facilities, site car parking for visitors and site operatives and wheel washing facilities shall be submitted to and approved by the Council as Planning Authority. The TMP shall include a Travel Plan element to encourage less reliance on individual private car trips to the site for those personnel involved in construction activities on a routine basis and those attending through the course of site inspections and site meetings. The TMP shall be produced in consultation with the Council's Roads & Transportation Service.

Reason: In the interests of traffic and public safety.

21. The recommendations contained within the approved Traffic Management Plan shall be implemented and adhered to at all times. The developer shall notify the Council in writing, as soon as reasonably practical, of any changes in construction activities where these will have an impact on the approved TMP. The developer will consult with the Council, as Roads Authority to agree in writing any changes to the TMP, and thereafter adhere to and implement the agreed changes to the satisfaction of the Council as Planning Authority.

Reason: In the interests of traffic and public safety

22. That before the development hereby approved is completed or brought into use, all of the parking spaces shown on the approved plans shall be laid out, constructed and thereafter maintained to the specification of the Council as Planning Authority.

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

23. That before the development is completed or brought into use, the surface of all driveways and parking areas shall be so trapped and finished in hardstanding as to prevent any surface water or deleterious material from running onto or entering the road.

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

24. That for the avoidance of doubt no built development shall take place on the existing culverts on site.

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

25. The applicant shall undertake a noise assessment to determine the impact of noise from businesses on Jackton Road, East Kilbride, currently operating as Findlay's Garage and Quiklay on the proposed development using the principles set out in British Standard BS4142:2014 - Method for Rating and Assessing Industrial and Commercial Sound, or a method agreed by the Planning Authority. The assessment shall be submitted to and approved by the Planning Authority prior to the commencement of development and shall identify-

1- the maximum Rating Levels (Including penalties either subjective or objective as appropriate)

2- the statistical average Background Noise Level to which any part of the development will be exposed.

Where the Level of Significance as described within the Scottish Government Document: Technical Advice Note Assessment of Noise, identifies changes in noise as moderate or greater (assessed with windows open), a scheme for protecting the proposed dwelling(s) from the noise shall be submitted to, and approved by, the Planning Authority. The approved scheme for the mitigation of noise shall be implemented prior to the development being brought into use and where appropriate, shall be retained in accordance with the approved scheme to the satisfaction of the Council as Planning Authority. (The Background Noise Level for the most sensitive period that the source could operate should be used for this assessment).

Reason: In the interests of residential amenity.

26. Unless otherwise agreed in writing with the planning authority and notwithstanding the plans hereby approved, the findings and recommendations of the "The Noise Impact Assessment for the Housing Development at Jackton Road, East Kilbride, G75, Technical Report No. R-8601-NS1-RRM" dated 1 October 2019 by RMP shall be implemented in full, including the close boarded acoustic screening and higher specification glazing shall be implemented to the satisfaction of the Council as Planning Authority. Should the orientation of any of the dwellings be altered from that shown in the approved plans, additional noise attenuation may be required.

Reason: In the interests of residential amenity.

27. Prior to the commencement of the development hereby approved (including any demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Council as Planning Authority. Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage.
- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA or that may impact on the retained trees.
- d) A full specification for the installation of boundary treatment works.
- e) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.

- f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- h) A specification for scaffolding and ground protection within tree protection zones.
- i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
- k) Boundary treatments within the RPA
- l) Methodology and detailed assessment of root pruning
- m) Arboricultural supervision and inspection by a suitably qualified tree specialist
- n) Reporting of inspection and supervision
- o) Methods to improve the rooting environment for retained and proposed trees and landscaping
- p) Veteran and ancient tree protection and management.

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

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

28. Before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Council as Planning Authority to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the Council as Planning Authority.

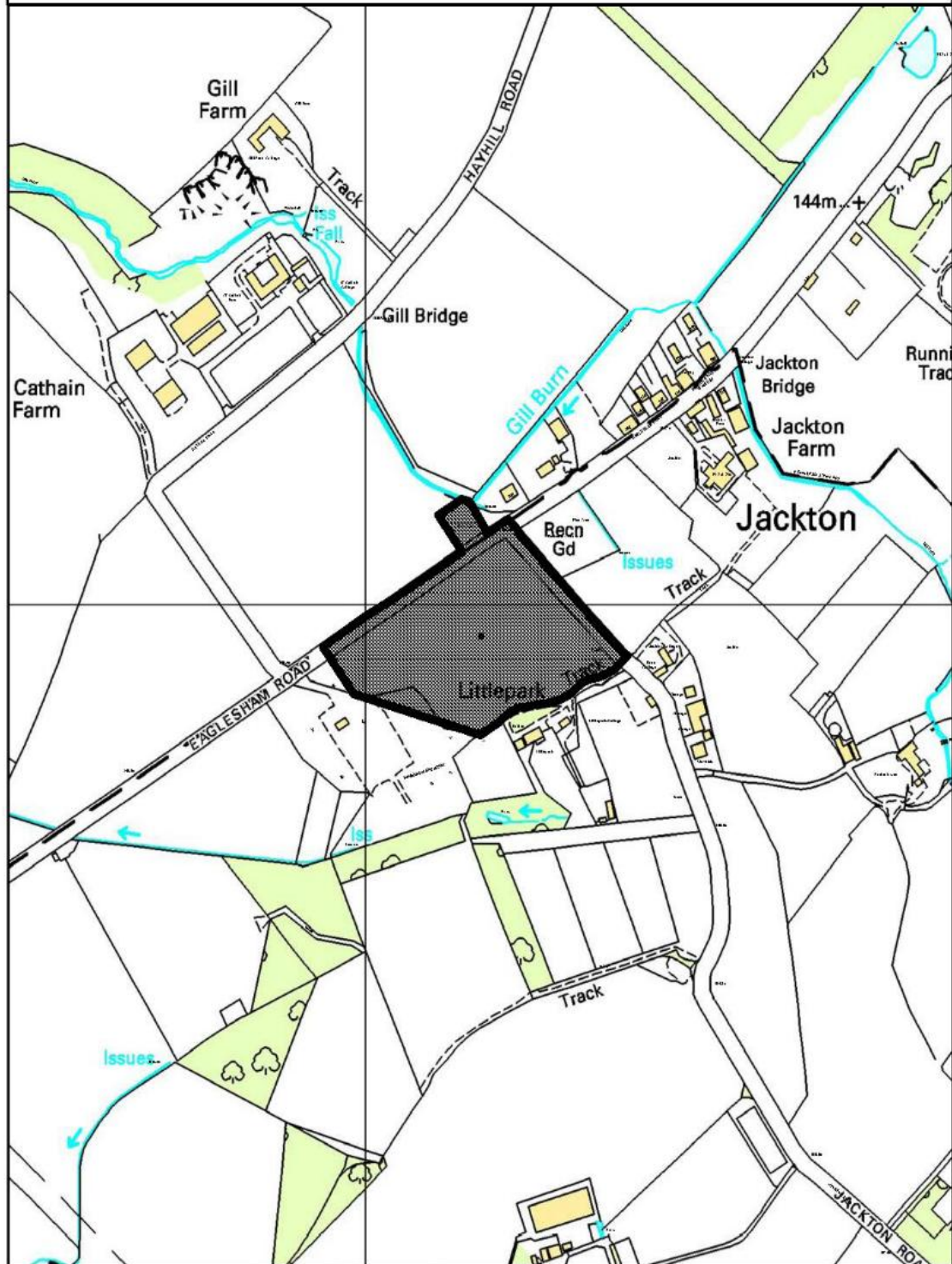
Reason: To ensure that the Council as Planning Authority are satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details.

29. That no trees within plots 1, 3, 4, 5, 6 or 7 shall be lopped, topped, pollarded or felled, without the prior written consent of the Council as Planning Authority.

Reason: In the interests of amenity and to ensure the protection and maintenance of the existing trees within the site.

P/19/1794

Land 110m Northwest of Littlepark Cottage, Jackton Road, East Kilbride



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1:5,000  
Date:  
27/09/2020



South Lanarkshire Council  
Community and Enterprise Resources  
Planning and Economic Development