

	<h1>Report</h1>	<b>Agenda Item</b>  <h1>7</h1>
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Report to: **Planning Committee**  
 Date of Meeting: **3 November 2009**  
 Report by: **Executive Director (Enterprise Resources)**

Application No      EK/08/0536  
 Planning Proposal:    Residential development with associated roads and landscaping  
                                  (Planning Permission in Principle)

## 1 Summary Application Information

- Application Type :      Planning Permission in Principle
- Applicant :              Cala Management Ltd
- Location :                Newlands Dairy  
                                  Newlands Road  
                                  East Kilbride  
                                  G75 8RS

## 2 Recommendation(s)

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

- (1)      Planning Permission in Principle - Subject to conditions (Based on conditions attached)

### 2.2 Other Actions/Notes

The Planning Committee has delegated powers to determine this application.

## 3 Other Information

- ◆ Applicant's Agent:      N/A
- ◆ Council Area/Ward:      09 East Kilbride West
- ◆ Policy Reference(s):    **South Lanarkshire Local Plan 2009**  
                                  Policy RES2 – 'Proposed Housing Sites Policy'  
                                  ENV30 – New Housing Development  
                                  ENV36 – Sustainable Urban Drainage Systems  
                                  Policy DM1 – 'Development Management  
                                  Policy'
- ◆ Representation(s):  
                                  ▶            1            Objection Letter
- ◆ Consultation(s):

Scottish Water

West of Scotland Archaeology Service

Power Systems

TRANSCO (Plant Location)

Scottish Natural Heritage

Roads and Transportation Services (East Kilbride)

SEPA

Roads and Transportation Services (Flooding)

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application relates to an area of land covering 2.07ha incorporating Newlands Dairy on Newlands Road, East Kilbride. The site constitutes a number of buildings, including the original farmhouse and outbuildings, together with the associated farmland to the south and two existing properties – Dervaig and The Beeches. The site rises to the south back from the road and stops at the structure planting associated with the place for the second phase of the Southern Development Area (SDA2) at Lindsayfield on both the west and south. To the east is an established residential estate and to the north are Newlands Farm and Newlands Cottage with their associated houses and land respectively.

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

- 2.1 Planning permission in principle is sought for a residential development with associated roads and landscaping. The indicative planning layout shows 35 dwellings. The proposed access is shown where the dwellinghouse Dervaig is currently located. The indicative layout has also identified an open space/play area and a SUDs pond. To the south east, the site includes part of the woodland structure planting as part of the previously approved SDA2 development.

### **3 Background**

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

Policy RES2 – ‘Proposed Housing Sites Policy’ of the South Lanarkshire Local Plan is relevant. The Local Plan requires to set out a minimum 5 year supply of land capable of being developed for housing (“effective” land) and also a medium to long term pattern for future development. This takes into account sites released in the recently adopted Local Plan and windfall sites emerging from the Council’s Schools Modernisation Programme and other redevelopment opportunities. The site is within SDA2 which is identified for residential development

- 3.2 Policy DM1 – ‘Development Management Policy’ relates to all applications. All planning applications require to take account of the local context and built form and should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. Development will require to have no significant adverse impact on the local environment and to enhance its quality and appearance.
- 3.3 Policies ENV30 and ENV36 of the South Lanarkshire Local Plan state that new housing must promote quality and sustainability in terms of its design and layout. Furthermore, it should make a positive contribution to the character and appearance of the urban or rural environment in which it is located.

#### **3.4 Government Advice/Policy**

Scottish Planning Policy 3 (SPP3) requires Local Plans to identify the scale of new housing provision required and indicate where it should be met. This should be a minimum 5 year supply of land capable of being developed for housing.

#### **3.5 Planning Background**

Outline Planning permission (EK/04/0440) was granted in July 2007 for the residential development at the SDA2 site. Since then a number of detailed planning applications have been granted for housing on various parts of the site.

### **4 Consultation(s)**

- 4.1 **Environmental Services** – no objections subject to conditions relating to refuse storage and contaminated land.  
**Response:** Noted. These conditions have been attached.
- 4.2 **Scottish Water** – no objections.  
**Response:** Noted
- 4.3 **West of Scotland Archaeology Service (WOSAS)** – advise that the applicant shall implement a programme of archaeological works in accordance with a written scheme of investigation which should be approved by WOSAS.  
**Response:** Noted. This condition has been attached.
- 4.4 **Power Systems** – no objections.  
**Response:** Noted.
- 4.5 **TRANSCO (Plant Location)** – no objections.  
**Response:** Noted.
- 4.6 **Scottish Natural Heritage** – the applicant should submit a European Protected Species survey prior to the determination of the planning consent.  
**Response:** Noted. The EPS found the presence of bats around the site but no roosts. It is considered that the proposed development will have a negligible impact on bat species and that the structure planting will add value for these species.
- 4.7 **Roads and Transportation Services (East Kilbride)** – no objections subject to conditions relating to parking, access, visibility and traffic calming.  
**Response:** Noted. These conditions have been attached.
- 4.8 **SEPA** - no objections subject to a condition relating to the submission and approval of a Sustainable Urban Drainage System.  
**Response:** Noted. This condition has been attached.
- 4.9 **Roads and Transportation Services (Flooding)** – no objections subject to a condition relating to the submission and approval of a Sustainable Urban Drainage System.  
**Response:** Noted. This condition has been attached.

## **5 Representation**

- 5.1 Following statutory neighbour notification, one letter of objection has been received. The points raised are summarised as follows:
- a) **Newlands Road is currently only 3.5 metres wide and cannot cope with construction traffic and access to other properties will be seriously infringed over a prolonged period. Furthermore, once the site is developed, the scale of additional traffic will be greater than the current infrastructure can safely accommodate.**  
**Response:** A condition has been attached to the consent requiring Newlands Road to be widened to the standard road width of 5.5m in front of the site. Furthermore, a 2m wide footpath will be provided along the entire frontage of the site. This will improve the access and flow of traffic to the site. Any damage to the road by construction vehicles is the responsibility of the developer. This will be monitored as part of the Roads Construction Consent.

- b) **There are currently two stream/drains that flow under Newlands Road. These provide run-off for the septic tanks on the properties on the south of Newlands Road.**

**Response:** Both SEPA and Roads Flooding Unit have advised they have no objections to the proposal but have asked that a Sustainable Urban Drainage System (SUDs) condition is attached. This will ensure that the proposal deals with all the new drainage on site before it is returned to any waterway. This will ensure that no neighbouring properties will be affected.

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

## **6 Assessment and Conclusions**

- 6.1 The applicant has applied for planning permission in principle planning to develop housing, roads, landscaping and associated works on a 2.07 hectare site to the south west of East Kilbride.
- 6.2 The application site represents part of a site that was originally promoted by the Council and the developers at the East Kilbride and District Local Plan Inquiry. The reporters recommended that the site was released from the Greenbelt for residential development. The site was then included in the adopted local plan at that time as a potential housing site. This zoning has been continued in the current, adopted South Lanarkshire Local Plan (Policy RES2).
- 6.3 Whilst this application identifies land for approximately 35 units, it is in principle with only indicative numbers shown. A full assessment of the detailed layout would confirm the numbers able to be accommodated within the site when reserved matters applications are lodged.
- 6.4 Given the zoning, the proposal is in accordance with the Local Plan and therefore acceptable in principle. East Kilbride is now experiencing shortfalls in available housing land. This takes into account sites released in the recently adopted Local Plans and windfall sites emerging from the Council's Schools Modernisation programme and other redevelopment opportunities. In order to address this situation, a number of suitable sites were identified by the Local Plan for release. As part of SDA2, this site can contribute to the ongoing provision of housing land in the East Kilbride Area.
- 6.5 Policy DM1 – 'Development Management Policy' states that all planning applications will require to take account of the local context and built form and should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. Development will require to have no significant adverse impact on the local environment and to enhance its quality and appearance. As the application is in principle, no elevational details of the housing have been submitted; however the site is located adjacent to both an existing residential area and several new residential areas under construction. As is standard for all residential planning permissions in principle, a condition has been attached to ensure that full plans showing elevations, landscaping and roads are submitted as part of the detailed planning permission submission. At this point, a full assessment of Policy ENV30 will be undertaken.
- 6.6 The site uses Sustainable Urban Drainage systems, is close to public transport routes, local services and facilities and is therefore acceptable in terms of sustainability. Policy ENV36 necessitates the use of SUDS following consultation with SEPA, Scottish Water and Scottish Natural Heritage. All three bodies have advised they have no objections to the proposal.

- 6.7 None of the remaining statutory consultees have objected to the proposal though several have asked for conditions to be attached. These particularly refer to roads issues. As a result of this, Newlands Road will be widened in front of the site to 5.5m, a SUDs scheme will be included, an archaeological watching brief will be established and a contamination study will be undertaken.
- 6.8 Given the above, I would recommend that the proposal is granted, subject to conditions.
- 7 Reasons for Decision**
- 7.1 The proposal accords with the policies RES2, DM1, ENV30 and ENV36 of the South Lanarkshire Local Plan and all other material considerations are satisfactory from a planning point of view.

**Colin McDowall**  
**Executive Director (Enterprise Resources)**

**27 October 2009**

**Previous References**

- ◆ None

**List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Plan 2009
- ▶ Consultations
 

Environmental Services	24/12/2008
Roads and Transportation Services (East Kilbride)	22/01/2009
Scottish Natural Heritage	29/01/2009
Scottish Water	27/02/2009
West of Scotland Archaeology Service	02/03/2009
Power Systems	26/02/2009
TRANSCO (Plant Location)	16/02/2009
SEPA	18/09/09
Roads and Transportation Services (Flooding)	18/08/09
- ▶ Representations
 

Representation from :	Michael Mather, Newlands View, Newlands Road, Jackton, East Kilbride, G75 8RS, DATED 08/01/2009
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**Contact for Further Information**

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

Iain Morton, Planning Officer, Civic Centre

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## CONDITIONS

- 1 Prior to the commencement of development on site, further application(s) for the approval of the matters specified in this condition must be submitted to and approved by the Council as Planning Authority. These matters are as follows:
  - (a) the layout of the site, including all roads, footways, parking areas and open spaces;
  - (b) the siting, design and external appearance of all building(s) and any other structures, including plans and elevations showing their dimensions and type and colour of external materials;
  - (c) detailed cross-sections of existing and proposed ground levels, details of underbuilding and finished floor levels in relation to a fixed datum, preferably ordnance datum.
  - (d) the means of access to the site;
  - (e) the design and location of all boundary treatments including walls and fences;
  - (f) the landscaping proposals for the site, including details of existing trees and other planting to be retained together with proposals for new planting specifying number, size and species of all trees and shrubs;
  - (g) the means of drainage and sewage disposal.
  - (h) details of the phasing of development (covering all relevant aspects of development detailed in (a) above);
  - (i) submission of an energy statement which demonstrates that on-site zero and low carbon energy technologies contribute at least an extra 15% reduction in CO2 emissions beyond the 2007 building regulations carbon dioxide emissions standard.
- 2 Planning permission in principle expires 2 years from approval of the specified matters being granted, or if different matters are approved on different dates, then 2 years from the date of the last approval.
- 3 That notwithstanding the generality of condition 1 above, the reserved matters applications required by condition 1 above shall:
  - (a) provide 3 car parking spaces for 4 bedroom houses or more, 2 car parking spaces for 3 bedroom houses or less. Single garages do not count towards this total, whereas double garages count as one space;
  - (b) provide all parking within the curtilage of the dwellinghouses;
  - (c) provide traffic calming through the entire site;
  - (d) not include retaining walls which directly or indirectly retain the public road or footway;
  - (e) widen Newlands Road to 5.5 metres from Windermere across the full site frontage;
  - (f) provide a 2.0 metre wide contiguous footway along the full site frontage to link with the existing footway at the junction of Windermere and Grasmere;
  - (g) provide street lighting down Newlands Road along the entire frontage of the application site.
  - (h) provide a vehicular visibility splay of 2.5 metres x 90 metres in both directions;
- 4 That the off site roads works required by condition 3 above, shall be completed prior to the completion or occupation of the first house, whichever is the sooner.



- 5 The application for approval of these further matters must be made to the Council as Planning Authority before whichever is the latest of the following:
- (a) expiry of 3 years from when permission in principle was granted
  - (b) expiry of 6 months from date when an earlier application for approval was refused, and
  - (c) expiry of 6 months from date on which an appeal against the refusal was dismissed.

Approval of the further specified matters can be made for -

- (i) different matters, and
- (ii) different parts of the development at different times.

Only one application for approval of matters specified in conditions can be made after 3 years from the grant of planning permission in principle.

- 6 That 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 Planning Authority in agreement with the West of Scotland Archaeology Service.
- 7 That the further application required under the terms of Condition 1 above, shall include a detailed scheme for surface water drainage. Surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland and with the Council's Sustainable Drainage Design Criteria and requirements and shall be agreed in writing with the Council as Planning Authority in consultation with SEPA.
- 8 That the further application(s) required under the terms of Condition 1 above, shall make reference to and incorporate the criteria specified within the approved South Lanarkshire Council 'Residential Development Guide'.
- 9 That before any development commences on site, details of facilities for the storage of refuse within the site, including design, location, external finishes and access for its uplift, shall be submitted to and approved in writing by the Council as Planning Authority. No dwelling unit shall be occupied until these facilities have been provided in accordance with the approved scheme or such alternative as may be agreed in writing with the Council as Planning Authority.
- 10 (a) Prior to commencement of any works on site, a comprehensive site investigation carried out to the appropriate Phase level, shall be submitted to and approved in writing by the Council as Planning Authority. The investigation shall be completed in accordance with the advice given in the following:
- (i) Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995);
  - (ii) Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11) - issued by DEFRA and the Environment Agency;

(iii) BS 10175:2001 - British Standards institution 'The Investigation of Potentially Contaminated Sites - Code of Practice'.

(b) If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model must be formulated and these linkages must be subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages using site specific assessment criteria will require to be submitted.

(c) If the risk assessment identifies any unacceptable risks as defined under Part IIA of the Environmental Protection Act, a detailed remediation strategy will be submitted to and approved in writing by the Council as Planning Authority. No works other than investigative works shall be carried out on site prior to receipt of the Council's written approval of the remediation plan.

11 The consent shall be carried out strictly in accordance with drawing number:

PD 003

12 Prior to the commencement of development on site, an energy statement which demonstrates that on-site zero and low carbon energy technologies contribute at least an extra 15% reduction in CO2 emissions beyond the 2007 building regulations carbon dioxide emissions standard, shall be submitted to and approved in writing by the Council as Planning Authority. The statement shall include:

a) the total predicted energy requirements and CO2 emissions of the development, clearly illustrating the additional 15% reduction beyond the 2007 building regulations CO2 standard;

b) a schedule of proposed on-site zero and low carbon energy technologies to be included in the development and their respective energy contributions and carbon savings;

c) an indication of the location and design of the on-site energy technologies; and

d) a maintenance programme for the on-site zero and low carbon energy technologies to be incorporated.

13 The approved on-site zero and low carbon energy technologies shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter be maintained and shall remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the Council as Planning Authority.

## REASONS

1 Consent is granted for planning permission in principle only.

- 2 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 3 In the interests of road safety and amenity and in order to retain effective planning control.
- 4 In the interest of road safety
- 5 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 6 To ensure that any archaeological remains located within the application area would be adequately dealt with before the development could proceed.
- 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 the environment and to alleviate the potential for on-site and off-site flooding.
- 8 In the interests of amenity and to ensure that the Council's key residential development standards are met.
- 9 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.
- 10 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.
- 11 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 12 To secure a reduction in carbon dioxide emissions.
- 13 To secure the timeous implementation of on-site zero and low carbon energy technologies.

For information only

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