

Report

Report to:	Planning Committee
Date of Meeting:	29 March 2022
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/21/1335
Planning proposal:	Erection of 3 no. detached dwellinghouses with detached garages and associated engineering works

1 Summary application information

Application type:	Detailed planning application
Applicant:	Abbey Construction
Location:	Land At Baron Court Thorntonhall G74 5BP

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: DTA Chartered Architects
- ◆ Council Area/Ward: 09 East Kilbride West
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (Adopted 2021)**
Policy 2 Climate change
Policy 3 General Urban Areas
Policy 5 Development Management and Placemaking
Policy 11 Housing
Policy DM1 New Development Design

◆ **Representation(s):**

▶	7	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

Roads Development Management Team

Roads Flood Risk Management

Environmental Services

SEPA West and SEPA Flooding

Scottish Water

Arboricultural Services

Network Rail

Planning Application Report

1. Application Site

- 1.1 The application site covers an area of approximately 0.7 Hectares. The site is a residual area of a larger, recently developed site located to the northeast and west. The application site has had previous approval when it formed part of an earlier Cala development and is located within the general urban area of Thorntonhall. Following a change to the earlier development layout, this area was excised and sold separately to a different developer. To the east and south, at a higher level, are existing older detached residential properties within Osborne Crescent. The new Baron Court access road cuts through the northern half of the site to serve the Westpoint Homes flatted development. To the southwest, beyond a belt of mature trees is Glasgow to East Kilbride railway line. The site slopes down from east to west.

2.. Proposal(s)

- 2.1 The proposal relates to the erection of 3 no. detached dwellinghouses with detached garages and associated engineering works.
- 2.2 More specifically the three large, two storey, detached, dwellings comprise 5 bedrooms, some with en-suites and dressing rooms, a family bathroom and gallery on the upper floor and open plan breakfasting kitchen and family area, lounge, separate dining room, games room with bar area, utility room and toilet on the ground floor. Triple detached garages are also proposed with guest accommodation in the roof space comprising a bedroom, open plan kitchen lounge area and shower room. One of the proposed villas would be served directly from the Baron Court road with the other two served by a new internal access road, running north to south within the site, and parallel to and east of the established mature tree belt. The dwellings and garages would be finished in a smooth white render with some sandstone detail in terms of basecourse, surrounds and around the bay windows to the front elevation. The double glazed windows and patio doors would be grey aluminium to complement the proposed grey concrete roof tiles.
- 2.3 Due to the sloping topography of the site, gabion retention is proposed along the rear garden boundaries which will allow for level development platforms for the houses and generous level usable garden ground.

3. Background

3.1 Local Plan Status

- 3.1.1 The site is residual land to a larger site which was previously identified and developed as an extension to the Thorntonhall settlement boundary as part of the adopted South Lanarkshire Local Development Plan 2 (Policy 11 – Housing Land). Therefore, the principle of residential development at this location has been established. The local development plan is required 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.
- 3.1.2 In addition, Policies 2 – Climate Change, 3 – General Urban Area/Settlements, 5 - Development Management and Place Making and DM1- New Development Design are also relevant.

3.2 Relevant Government Advice/Policy

- 3.2.1 In terms of residential development, SPP advises that the planning system should identify a generous supply of land to support the achievement of housing land requirements and maintaining at least a 5 year supply of land at all times. It should

also enable the development of well designed, energy efficient, good quality housing in sustainable locations.

3.3 **Planning Background**

- 3.3.1 The previous applicant, Cala Homes, received approval of a development of 53 dwellings (EK/13/0338). A further approval of 28 flats by Westpoint Homes was granted in March 2019 (EK/18/0001) and are located to the south west of this site.

4. **Consultation(s)**

- 4.1 **Roads Development Management Team** – No objections. Have advised that following discussion amendments have been made to the layout and are now satisfied subject to a number of conditions.

Response: Noted. It is considered that the matters raised can be addressed, in this instance, through the use of appropriately worded conditions and/or informatives attached, where appropriate, to any consent issued. Specific engineering requirements would be addressed through the Roads Construction Consent (RCC).

- 4.2 **Roads Flood Risk Management** – No objections subject to conditions including the submission of a Flood Risk Assessment (FRA) and a sustainable drainage system design.

Response: Noted. Any approval would have conditions attached to require the developer to lodge an FRA and Sustainable Urban Drainage design information to the satisfaction of the Council's Roads Flood Team. This would involve completion and submission of all relevant appendices.

- 4.3 **Environmental Services** – recommended deferment until a noise assessment is undertaken, given the presence of a nearby railway line.

Response: Noted. The railway is not directly adjacent to the site, with the belt of mature trees existing between the site and the railway line, and therefore any approval would have a suitably worded condition attached to require a noise assessment be carried out, if necessary, to determine the impact of railway noise on the proposed development.

- 4.4 **SEPA West Region & SEPA Flooding** – No objection given previous assessment of the larger site and evidence that the proposed location of the dwellings are well elevated above the functional flood plain.

Response: Noted.

- 4.5 **Scottish Water:** No response to date.

Response: Noted. A standard condition would be attached to any approval to require that the site is served by a sewerage scheme constructed in accordance with Scottish Water standards and as approved by the Council as Planning Authority in consultation with Scottish Water as Sewerage Authority.

- 4.6 **Arboricultural Services** – No response to date.

Response: Noted. The layout plans show the mature trees retained and not affected by the development of the dwellings. Any approval would have a suitably worded condition attached to ensure safeguarding of the trees.

- 4.7 **Network Rail** – Considers the proposal would have no impact on the railway infrastructure and therefore no comments/objections.

Response: Noted.

5. Representation(s)

5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the East Kilbride news as not all neighbours could be identified. 7 letters of representation were received the contents of which are summarised as follows.

- a) **A tree preservation order (TPO) should be imposed for the trees at the site as they provide sanctuary for birds and insects as well as providing a wind break and a screen. These trees should not be removed.**

Response: The applicant submitted a tree report for the application site and the majority of the trees are being retained. It is considered unnecessary to impose a TPO as the trees lie within the application site and can be safeguarded/protected through the imposition of suitable planning conditions.

- b) **Peel road is in terrible condition and increased traffic as a result of this development will exacerbate the situation.**

Response: The Council's Roads and Transportation Service has been consulted and is satisfied with the design and layout of the access road and parking to serve this three house development. Peel Road is on a list of roads monitored and maintained as part of the adopted roads network.

- c) **Wish to see full disclosure on the property development ownership.**

Response: Within the lodged planning application form the applicant has certified ownership of the land.

- d) **Would like to see restoration of nature during and once the properties are built to mitigate the effects of construction.**

Response: It will be a requirement for the developer to have construction exclusion zones fenced in respect of the mature trees. A landscape scheme will be required to be lodged as a condition of any approval. Insect loving plants/shrubs will be required within the landscape scheme.

- e) **Existing properties will be de-valued as a result of this development.**

Response: The proposal has been carefully assessed in terms of impact on residential amenity. The new dwellings would sit at a lower level than the existing dwellings in Osborne Crescent. The application site is large and there are only three additional dwellings proposed. Although of modern design the dwellings appear separate from the established Osborne Crescent houses and it is considered that once constructed they will have no significant impact on the amenity enjoyed by the existing dwellings within Osborne Crescent.

- f) **Building even more property on an extremely steep slope is devastatingly environmentally wrong. The aspect of the rain water run-off is such an important ecological factor.**

Response: the proposal has been carefully designed to address the sloping land and a sustainable urban drainage scheme will be required to ensure any surface water issues arising are addressed.

- g) **This is a natural environment, a habitat for flora and fauna. Building on this field is carnage and pillage.**

Response: The area to be developed is residual land from a previous development. The mature trees are to be retained and safeguarded. A landscape scheme to encourage flora and fauna would be a requirement of any approval.

- h) The applicant is Abbey Construction. Is this correct and is it related to Westpoint Homes?**

Response: Abbey Construction own the application site. It is understood they are a separate company from Westpoint Homes.

- i) The Supporting design statement is referenced to the Cala Home development but fails to take account of the impact on the Osborne Crescent properties.**

Response: In my opinion the new proposal of three houses will relate more to the Cala, and Westpoint Homes development as opposed to the existing dwellings in Osborne Crescent. The site sits at a lower level than Osborne Crescent and the new dwellings will be served by the Baron Court access with no direct access through to Osborne Crescent.

- j) The new dwellings will be even more dominating if they are to be built on a level with Osborne Crescent. They are not split level and there is frequent reference to retaining walls.**

Response: The proposal entails cutting into the slope of the site and introducing retention along the rear garden boundaries which will enable level development platforms for the dwellings and the creation of usable level garden areas. The dwellings will therefore sit at a lower level than Osborne Crescent and will not over dominate the existing properties.

- k) There is no apparent link/continuity to the two new developments especially with the flatted development which appears to have severed any link to the Cala housing area.**

Response: With regard to this site, Plot 1 would be accessed directly from the new Baron Court access which continues down to serve the flats. An internal access road within the site would be constructed from Baron Court to serve the other two plots, thus this 3 house development would be physically linked with the recently completed developments. Also, the dwellings are of modern two storey design similar to the Cala housing.

- l) There is no indication of whether there would be an attempt to link a pedestrian access through to Osborne Crescent which is a private road funded.**

Response: This proposal does not propose any pedestrian link through to Osborne Crescent.

- m) The existing trees should be preserved to screen the houses from Osborne Crescent.**

Response: Noted. The developer will require to erect a barrier around the construction exclusion zone where the tree groupings are present on the site. A landscape scheme will be required to be lodged which will require additional planting of trees.

- n) Previously the houses were to be split level to take account of the slope. These two storey houses with retaining walls will impact on the boundary of Beechwood Grange. Already a line of trees has been removed from this boundary. There are no drawings to see how the retention would look.**

Response: It is understood the previous developer removed trees prior to this application being lodged. This developer will be required to form construction exclusion zones around the remaining mature trees to safeguard them. The proposed retention will be engineer specified, formed by constructing standard

gabion baskets. The location of the gabions is shown on a submitted levels layout drawing. Given that Osborne Crescent is at a higher level than the site, these gabions will not have a significant visual impact on the residents living within this crescent.

- o) Osborne Crescent resident does not agree to grant any access for the construction.**

Response: All construction would be carried out from within the site.

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

6. Assessment and Conclusions

- 6.1 The determining issues that require to be addressed in respect of this application for detailed planning permission are the proposal's compliance with the adopted local development plan, and its relationship with both the properties recently constructed in the vicinity and those established properties within Osborne Crescent.
- 6.2 The adopted South Lanarkshire Local Development Plan 2 classifies the site as Housing Land as per Policy 11. The site is a residual area of land from the recent Baron Court development which has been constructed nearby. Following a change to the earlier development layout, this area was excised and sold separately to a different developer. The current applicants propose 3 no. large detached dwellings with detached triple garages. The garages are designed with self-contained guest accommodation in the roof space.
- 6.3 Policy 2 – Climate Change seeks to minimise and mitigate against the effects of climate change by considering various criteria including: being sustainably located; reuse of vacant and derelict land; avoidance of flood risk areas; incorporating low and zero carbon generating technologies; opportunities for active travel routes and trips by public transport; electrical vehicle recharging infrastructure. SEPA has advised that there is no flooding risk from water courses and surface water flow can be adequately contained by the implementation of satisfactory drainage requirements and a Suds scheme. The existing trees on the site are to be retained and a suitable landscaping plan requiring additional tree planting would be submitted and approved as part of any planning consent. Conditions have been attached requiring the submission of a landscape scheme and approval of details for electrical charging points. In consideration, the proposals would not undermine the objectives of Policy 2.
- 6.4 Policy 5 – Development Management and Placemaking, Policy 3 – General Urban Areas and DM1 – new Development Design require that all planning applications take account of the local context and built form and are compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. All developments require to have no significant adverse impact on the local environment and to enhance its quality and appearance. In addition, new housing development should be of a high quality, provide sustainable measures and open space. The site is located directly adjacent to a recently completed residential development of detached dwellings and is bounded to the east by older, more traditional properties within Osborne crescent, Thorntonhall. The proposed dwellings are large detached 2 storey villas in keeping with other such properties in Thorntonhall. The villas are of quality design and finish and are located with generous garden ground and have the benefit of mature woodland to the south which creates an established setting. The dwellings will use modern, sustainable materials.

- 6.5 The development will raise no privacy issues and the dwellings comply with the Council's approved Residential Development Guide. As discussed in paragraph 6.4, the three plots provide generous garden ground and the mature trees in the vicinity will remain unaffected by the development resulting in an established setting to these large villas. The applicant has submitted an ecological survey and a tree report which concludes that no significant flora and fauna are affected by the proposal. A Sustainable Urban Drainage Scheme will be incorporated within the proposal utilising land within the western section of the site on the other side of the Baron Court access road. The site uses Sustainable Urban Drainage Systems, is close to public transport routes and is therefore acceptable in terms of sustainability. SEPA has no objections to the development subject to conditions. I am therefore satisfied that the proposal complies with Policies 2, 3, 5, 11 and DM1 of the adopted South Lanarkshire Local Development Plan 2.
- 6.6 None of the statutory consultees have objected to the proposal and none of the matters raised through representations would justify refusal of the planning application. The proposal relates to a residual section of land within a larger residential development which has recently been constructed. Therefore, the principle of residential development has been established. Given this, it is recommended that detailed planning permission be granted.

7. Reasons for Decision

- 7.1 The proposal complies with Policies 2, 3, 5, 11, and DM1 of the Adopted South Lanarkshire Local Development Plan 2.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 17 March 2022

Previous references

- ◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 10 November 2021

▶ Consultations

SEPA West and Flooding	12.11.2021
Scottish Water	11.11.2021
Environmental Services	16.11.2021
Network Rail	01.03.2022
Roads Development Management Team	17.02.2021
Roads Flood Risk Management	03.02.2021

► Representations	Dated:
Warren Bader, 2 Beechwood Lea, Thorntonhall, G74 5BQ	15.11.2021
J Paton, Beechwood Grange, Osborne Crescent, Thorntonhall, Glasgow, South Lanarkshire, G74 5AE	02.12.2021
Mrs Sonja Bader, 2 Beechwood Lea, Thorntonhall, Glasgow, G74 5BQ	16.11.2021
Mr And Mrs R M Andrew, Via Email	25.11.2021
G McGraw, Via Email	29.11.2021
AC Clark, Via Email	29.11.2021
J Paton, Beechwood Grange, Osborne Crescent, Thorntonhall, G74 5AE	03.12.2021

Contact for further information

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

Maud McIntyre, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455043

Email: maud.mcintyre@southlanarkshire.gov.uk

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 as shown on the approved plan 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 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: These details have not been submitted or approved.

05. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any such order revoking or re-enacting that order), no gates, fences, walls or other means of enclosure shall be erected between the front of the dwellinghouse and the adjoining road.

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

06. That before the dwellings on Plots 1 and 2 are occupied, obscure glazing shall be introduced to the gable elevation lounge windows, or such alternative as may be agreed in writing with the Council as Planning Authority.

Reason: To safeguard residential amenity.

07. That prior to any work starting on site, a Flood Risk/Drainage Assessment in accordance with 'Drainage Assessment - A Guide for Scotland', shall be submitted to and approved in writing by the Council as Planning and Roads Authority.

Reason: To ensure the provision of a satisfactory land drainage system and to prevent flood risk.

08. 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.

09. 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 safeguard protected species

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

Reason: To ensure the provision of a satisfactory sewerage system

11. That before the development hereby approved is completed or brought into use, parking spaces of at least 6 metres in length shall be provided unless otherwise agreed.

Reason: In the interest of public safety

12. That prior to the commencement of site works a detailed specification of the gabion retention structures and associated barrier relating to the access to Plots 2 and 3 shall be submitted for approval by the Council as Planning Authority. Thereafter the gabions and barrier shall be installed, prior to the occupation of the dwellings, to the satisfaction of the Council.

Reason: In the interest of road safety.

13. That in respect of Condition 12, a method statement shall be submitted for the Council's approval in respect of the proposed construction of the gabions in close proximity of the existing mature trees.

Reason: To ensure that the existing mature trees are safeguarded.

14. That the surface of the access road 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

15. That unless otherwise agreed, the applicant shall undertake a noise assessment to determine the impact of railway noise on the proposed development using the principles set out in "Calculation of Railway Noise" (DoT/Welsh Office, HMSO, 1995) or by a method to be agreed by the Planning Authority such as the evaluation of the cumulative levels based on Single Event Levels (SEL). For night time the LA_{max} shall be provided. The survey shall take cognisance of the Scottish Government Document: Technical Advice Note Assessment of Noise. The survey shall be submitted to and approved by the Planning Authority and where potential noise disturbance is identified, it shall include a scheme for protecting the proposed dwellings from rail noise. The scheme shall ensure that the internal levels with windows closed do not exceed an LA_{eq,16hr}, A_{eq,8hr}, A_{eq,16hr} of 40dB daytime and a L_{of} 30dB night-time. That unless otherwise agreed with the Planning Authority, the external levels shall not exceed a L_{of} 50dB daytime in any rear garden areas, when measured free-field. 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.

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

16. That prior to the commencement of site works details of the provision for electric car charging points associated with each dwelling shall be submitted of consideration and approval, and thereafter installed at the site, unless otherwise agreed.

Response: This information has not been submitted.

17. That prior to the commencement of site works the construction exclusion and tree protection areas on the site shall be 'heres' fenced off as per the area identified in the Tree Protection Plan within the approved Tree Report dated October 2021. Details of the exact location of the fencing shall be agreed with the Council as Planning Authority.

Reason: To ensure protection of the existing trees throughout the construction period.

18. That unless otherwise agreed, 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 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.

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

19. That the residential accommodation within the garages' roofspace hereby approved shall be restricted to private use incidental to the enjoyment of the dwellinghouses on the site and will not be sold or leased, at any time, as separate residential units.

Reason: To safeguard the residential amenity of the area and retain effective planning control.

20. That prior to works commencing on site a Construction Traffic Management Plan which provides details of access and parking provision for staff and visitors, intended working hours, the management and storage of deliveries and further information regarding the provision of wheel washing facilities to prevent mud being carried on to the adopted road shall be submitted for approval by the Council as Planning and Roads Authority. A dilapidation survey shall also be undertaken before the start of any works on site.

Reason: To safeguard the residential amenity of the area and in the interest of traffic safety.

