

	<h1>Report</h1>	<b>Agenda Item</b>  <h1>13</h1>
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Report to: **Planning Committee**  
 Date of Meeting: **1 December 2009**  
 Report by: **Executive Director (Enterprise Resources)**

Application No      EK/09/0256  
 Planning Proposal:    Erection of 18 flatted dwellings comprising of 2 three storey blocks and associated parking

## 1 Summary Application Information

- Application Type :      Detailed Planning Application
- Applicant :              Clyde Valley Housing Association
- Location :                High Common Road  
East Kilbride

## 2 Recommendation(s)

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

- (1) Grant Detailed Planning Permission – Subject to Conditions (Based on conditions attached)

### 2.2 Other Actions/Notes

The Planning Committee has delegated powers to determine this application.

## 3 Other Information

- ◆ Applicant's Agent:      Mast Architects Ltd
- ◆ Council Area/Ward:      10 East Kilbride East
- ◆ Policy Reference(s):    **South Lanarkshire Local Plan 2009**  
DM1 - Development Management  
RES5 - Affordable Housing and Housing Choice  
RES6 - Residential Land Use  
ENV11 - Design Quality  
ENV30 – New Development Design  
ENV31 - New Housing Development  
ENV32 - Design Statements

### ◆ Representation(s):

- ▶      5      Objection Letters

### ◆ Consultation(s):

Environmental Services

Roads & Transportation Services H.Q. (Flooding)

Scottish Water

British Telecom

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

TRANSCO (Plant Location)

St. Leonards Community Council

Roads and Transportation Services (East Kilbride)

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site relates to the former Claremont House site located off High Common Road, within the St Leonards area of East Kilbride. The vacant site extends to approximately 0.4 hectares and is bound to the north by the St Leonards Children's Home, to the west by High Common Road and St Leonards Shopping Centre, and to the east and south by residential properties. The body of the site is flat and rectangular in shape, however also has two additional attached areas to the north and south-east of the site. The site is currently accessed via Arran.

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

- 2.1 The proposal is for the erection of 18 flatted dwellings over 2 blocks with associated parking. Each block is of 3 storey design with a mix of 1 and 2 bedroom apartments. Each block has a pitched roof and is finished in facing bricks, concrete roof tiles and timber framed windows. The proposal also incorporates two amenity spaces; one to the north and the other to the south east of the site. Access and egress is proposed via Arran.
- 2.2 The site is proposed for development by East Kilbride Development Consortium which is led by Clyde Valley Housing Association in partnership with East Kilbride & District Housing Association and West of Scotland Housing Association. This partnership approach will be able to maximise the benefits of bulk procurement by being able to tender the works for this site together with another two sites at Scholars Gate in Whitehills and Plover Drive in Greenhills at the one time. This specific site would provide 18 flats for social rent.

### **3 Background**

#### **3.1 Local Plan Background**

- 3.1.2 The application site is zoned as residential in the Adopted South Lanarkshire Local Plan, therefore policy RES6 – Residential Land Use is applicable. Policy RES5 – Affordable Housing and Housing Choice is also relevant and states the Council recognises the need to provide housing to meet the needs and demands of a diverse population and is therefore committed to meeting the recognised need for affordable housing.
- 3.2 Policy ENV31-New Housing Development requires the Council to promote quality and sustainability in its design and layout and should make a positive contribution to the character and appearance of the environment in which it is located. In assessing new developments, the Council will require well designed proposals which integrate successfully with their surroundings and which are well related to existing development, public transport, local services and facilities. Design which is of poor quality or which does not respect its context will be refused. In order to ensure quality design the proposal requires to be assessed against additional Design and SUDS policies such as ENV11, ENV32 and ENV37. These policies state that all new development should make a positive contribution to the character and appearance of the local environment, integrate well with the immediate surroundings and should adopt principles of sustainable development including a requirement to use Sustainable Urban Drainage Systems in liaison with Scottish Water, SEPA and the Council's Road Flooding team.

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

- 4.1 **Environmental Services** – no objections subject to standard conditions and advisory notes.  
**Response:** Noted, any consent would include relevant conditions and advisory notes.
- 4.2 **Roads and Transportation** – no objections subject to specific conditions.  
**Response:** Noted, any consent would include these conditions.
- 4.3 **Roads Flooding** – no objection subject to the completion of the sustainable drainage system (SUDS) design criteria.  
**Response:** Noted, details have been passed to agent for completion.
- 4.4 **SEPA** – no objections.  
**Response:** Noted.
- 4.5 **Scottish Water** – no objections.  
**Response:** Noted.
- 4.6 **St Leonards Community Council** – object to proposal on the basis that the proposal exceeds two storeys in height and alters the character of the area, detracting from Claremont Church.  
**Response:** Noted, however given the distance of the proposal from both the church and the surrounding residential properties, I consider that these three storey blocks would be acceptable at this location.
- 4.7 **British Telecom** – No response to date.  
**Response:** Noted.
- 4.8 **TRANSCO** – No response to date.  
**Response:** Noted.
- 5 Representation(s)**
- 5.1 Following neighbour notification, five letters of objection were received, the points of which are summarised below:
- a) **The area marked “amenity space” includes a piece of land used by Claremont Church for the past 30 years.**  
**Response:** The land marked amenity space has been included within the application site boundaries as submitted to the Council. Having spoken to the agent, I am satisfied the boundary is accurate. All of the land within the site is now owned by the applicants.
- b) **The boundary fence between the application site and the car park continues towards High Common Road; however the actual wall has an indent suggesting it too is owned by the church.**  
**Response:** As above, the application site is owned by the applicants. Any issues relating to the boundary wall would be a legal matter for the consortium.
- c) **The squaring off of the amenity space would narrow and restrict the route from Arran into the church car park.**  
**Response:** Given that there would still be approximately a 9.0 metres wide access, I am satisfied there will be sufficient space to allow two-way traffic.

- d) **Access to and from the church car park is currently a problem and pavement provision for pedestrians in this area is poor. These issues will be exacerbated by this proposal.**

**Response:** The Roads and Transportation Service are satisfied that the proposed development incorporates an adequate access to the development for both pedestrians and traffic and existing users of the area. Whilst it is agreed that this development will inevitably increase the volume of traffic using Arran, I do not consider this sufficient grounds to refuse the application.

- e) **During the demolition of Claremont House, the church car park was used by heavy vehicles despite being assured this would not happen. This caused deterioration of the car parking surface; therefore concerned the same would happen again.**

**Response:** There is nothing in this proposal to suggest that there are any intentions for the car park at Claremont Church to be used during the construction period. However, the applicants would require permission from the relevant land owner to use this area.

- f) **The proposed three storey buildings are out of keeping with neighbouring residential properties. The Council seems to be using the elevation of the church as a bench mark and not the surrounding housing.**

**Response:** When considering an application, the Council gives consideration to all surrounding properties; therefore the surrounding residential properties in this case have been fully taken into account. It is acknowledged that the proposed flats are higher than adjacent properties, however, given that the proposed flats are approximately 35 metres from the church and 30 metres from the closest residential properties, I am satisfied there is adequate distance to allow the proposed flats to integrate with surrounding area and not negatively impact on these properties. In terms of the existing Children's Home which will be the closest property to the flats at 13.5 metres, I am satisfied they will be in keeping with each other given that the home is already 2.5 storeys in height.

- g) **The proposal may invade the privacy of the nearby single storey dwellings for disabled people.**

**Response:** There is approximately 43 metres from the proposed flatted blocks to the nearest disabled housing. I am satisfied this is adequate distance to ensure there will be no loss of privacy to any of the surrounding residential properties and is in compliance with the Council's Residential Development Guide.

- h) **The proposal will encroach onto the privacy of the closest dwellings at Arran and reduce sunlight into these properties.**

**Response:** The distance between the flats and the closest dwellings at Arran are a minimum of 29 metres. Given this distance, I am satisfied there will be no issues with privacy or loss of sunlight, and is again in compliance with the Residential Development Guide.

- i) **This proposal is not consistent with the original plan by East Kilbride Housing Association for properties similar to the existing 2 storey Cairn Housing Association properties. The tenants of Arran were originally assured that any new build at this site would be similar to surrounding properties.**

**Response:** This proposal is submitted on behalf of Clyde Valley Housing Association who is entitled to change the proposal. Given the floor area of the site, it was suggested that 3 storey flats be submitted to maximise the housing on the site. I am satisfied that 3 storey flats are acceptable.

- j) **The development will cause serious burden on local services i.e. drainage, sewerage etc.**  
**Response:** Having consulted Scottish Water, SEPA and TRANSCO, no objections to this proposal have been received, therefore I am satisfied that any housing approved could be served by the various utilities.
- k) **Arran is currently a busy and congested road. This proposal including the additional 33 parking spaces will create a significant additional volume of traffic particularly throughout the construction period. This will cause traffic problems and create a safety hazard for both pedestrians and traffic on Arran and in the surrounding area. The access to any new housing should therefore be from High Common Road.**  
**Response:** Following consultation with the Council's Roads and Transportation Service, they were satisfied the proposal including the number of parking spaces, was acceptable subject to some a few alterations to the proposed roads layout. No issues regarding road safety have been raised. However, it has been requested that construction traffic use the temporary access off High Common Road and allow left turns in and out of the site only, to reduce disruption to users of the surrounding area. As such, this would be conditioned as part of any consent granted. However, following completion of the development, the temporary access would be closed off and thereafter access to the flats would be via Arran.
- l) **Land included in this proposal is part of the access to the approved Children's Home. The Council had no right to sell off this land as local residents have had no opportunity to object to this.**  
**Response:** Whilst the current access to the children's home differs slightly from that approved, the Planning Service is satisfied that as the current access is from an adopted road and provides adequate parking, the proposed layout is acceptable.
- m) **Following sale of the land that now forms the application site from the Council's Estates Service to East Kilbride Housing Association, the agreement was for the provision of up to 16 socially rented dwellings. This proposal is for 18 flats.**  
**Response:** The Estates Service has been notified of this proposal and has offered no objection. Additionally, Estates has confirmed that no restrictions were imposed on the number of units that could be built on the site.
- n) **This proposal incorporates two and three bedroom flats. However, this area was designated as being suitable for sheltered housing, disabled housing and amenity housing for older residents. Since the opening of the nearby Children's Home, local residents have been severely disrupted due to disturbance. This area is not suitable for housing for additional children and adolescents.**  
**Response:** The land was purchased by the Consortium for the provision of socially rented which is the subject of this application. The one and two bedroomed housing will be rented in line with their own allocation procedures by the housing association on a case by case basis.
- o) **There is a shortage of disabled housing in East Kilbride and very few built by the Council in recent years. Given that the land is flat and close to local amenities, this land is ideal for more disabled housing.**  
**Response:** As stated above, this land has been identified for socially rented housing which is the subject of this application.

These letters have been copied and are available for inspection in the usual manner.

## **6 Assessment and Conclusions**

- 6.1 This application relates to the redevelopment of land associated with the former Claremont House site, off High Common Road, East Kilbride. The application is for the erection of 18 flatted dwellings comprising of 2 three storey blocks and associated parking to provide affordable housing for rent in association with Clyde Valley Housing Association (in partnership with East Kilbride and District Housing Association and West of Scotland Housing Association).
- 6.2 The determining issues of this application are its compliance with local plan policy and in particular, its impact on the amenity of the surrounding area and any adjacent properties.
- 6.3 In this case, policy RES6 – Residential Land Use is applicable and states that the Council will resist any development which will be detrimental to the residential amenity of the area in terms of visual impact, noise, smell, air pollution, disturbance, traffic or public safety. Policy ENV31 – New Housing Development states that all new development should promote quality and sustainability in terms of design and layout. Design that is of poor quality or which does not respect its context is likely to be refused. In particular, new developments should not adversely affect the amenity of the surrounding area and should respect the local context in terms of layout, scale, proportion, massing and appearance of buildings, structures, and landscaped and hard surfaced areas.
- 6.4 In terms of the design and layout of the proposal, I am satisfied the proposal is in accordance with policies ENV30, ENV31, ENV11 and DM1 of the Adopted Plan. I am satisfied the proposed blocks have been sited to minimise impact on surrounding properties in terms of overshadowing and privacy. In addition, it is considered the flatted blocks have been designed and finished in materials sympathetic to the surrounding residential properties together with the Children's Home and Claremont Church. With regard to the Council's Residential Development Guide, I am satisfied that relevant criteria relating to required amenity space, distance from surrounding residential properties, and bin storage provision etc have been achieved.
- 6.5 Policy RES5- Affordable Housing and Housing Choice is also relevant. It recognises the need to provide housing to meet the needs and demands of a diverse population. In this respect the Council will require developers to facilitate affordable housing. In this instance the use of land surplus to requirements will provide 100% affordable social housing for rent through the consortium involving Clyde valley Housing Association in partnership with East Kilbride and District Housing Association and West of Scotland Housing Association.
- 6.6 In terms of Roads and Transportation Services' requirements, there are no objections to the application. However several minor issues have been raised which have been detailed in Conditions 9-15. In addition, it has also been requested that the temporary access from High Common Road (left turn in and out only) must be used throughout the construction period as opposed to the proposed access via Arran. This has also been conditioned. Furthermore, the proposal is in compliance with Sustainable Urban Drainage System requirements.
- 6.7 Given the above, I am satisfied the proposal is in compliance with adopted Council policies and guidelines and satisfied the amenity of surrounding properties will not be adversely affected. I therefore recommend planning consent is granted.

## **7 Reasons for Decision**

- 7.1 The proposal will have no adverse impact on visual or residential amenity and complies with policies DM1, RES5, RES6, ENV11, ENV30 and ENV31 of the

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

**16 November 2009**

**Previous References**

- ◆ None

**List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
  - Scottish Water 10/08/2009
  - Roads and Transportation Services (East Kilbride) 19/08/2009
  - S.E.P.A. (West Region) 05/08/2009
  - S.E.P.A. (West Region) 05/08/2009
  - St. Leonards Community Council 24/08/2009
  - Roads & Transportation Services H.Q. (Flooding) 07/09/2009
  - Environmental Services 18/08/2009
- ▶ Representations
  - Representation from : Claremont Parish Church, Janice Weir, High Common Road, St Leonards, East Kilbride, G74 , DATED 21/08/2009
  - Representation from : Mr Alan Lesley Bayne, 7 Cumbrae, East Kilbride, DATED 17/08/2009
  - Representation from : Mr Ian McDonald, 9 Cumbrae , East Kilbride, DATED 17/08/2009
  - Representation from : Mr John Dykes, 28 Arran , East Kilbride, DATED 15/10/2009
  - Representation from : Mr Bill Dykes, 50 Arran, East Kilbride, DATED 15/10/2009



**Contact for Further Information**

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

Julie Stanfield, Civic Centre, East Kilbride

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**CONDITIONS**

- 1 This decision relates to drawing numbers:  
  
592\_CL\_L(20)001 - Location Plan  
592\_CL\_L(20)004 A - Proposed Site Layout  
592\_CL\_L(20)003 - Existing Site Sections  
592\_CL\_L(20)002 - Existing Site Layout & Topographical Survey  
592\_CL\_L(20)005 - Proposed Site Sections  
592\_CL\_L(20)007 - Proposed Street Elevations  
592\_CL\_L(20)018 A - 2A2P/3A4P/WHC Common Close Flat Plan  
592\_CL\_L(20)050 A - Block A - 2A2P/3A4P/WHC Common Close Flats
- 2 The development hereby permitted shall be started within three years of the date of this permission.
- 3 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.
- 4 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.
- 5 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.
- 6 That before any of the flatted dwellings within the site are occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 5 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 7 That before any work commences on the site/within 6 months of the date of this permission, a scheme of landscaping shall be submitted to the Council as Planning Authority for written approval and it shall include:(a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development; (b) details and specification of all trees, shrubs, grass mix, etc.; (c) details of any top-soiling or other treatment to the ground; (d) sections and other necessary details of any mounding, earthworks and hard landscaping; (e) proposals for the initial and future maintenance of the landscaped areas; (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.
- 8 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.
- 9 That the developer must use the existing temporary access from High Common

Road to access the site during construction.

- 10 That access to the site from High Common Road is permitted for left turn in and out of the site only and the developer must put a physical measure in place to ensure this.
- 11 Following completion of the development, the applicant will be responsible to close the temporary access off and reinstate the footway.
- 12 That before the development hereby approved is completed or brought into use, a turning space shall be provided within the site to enable vehicles to enter and leave the application site in forward gears at all times.
- 13 That before development begins, a plan showing a 2.0 metres contiguous footway around the turning head shall be submitted to and approved by the Council as Roads and Planning Authority.
- 14 That before works commence, a plan showing a 1.0 metre gap between the road channel and the car parking bay, and parking spaces 6.0 metres in length shall be submitted to and approved by the Roads and Planning Authority.
- 15 The surface of the car 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 highway.
- 16 That the developer shall arrange for any alteration, deviation or reinstatement of statutory undertakers apparatus necessitated by this proposal all at his or her own expense.
- 17 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.
- 18 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.
- 19 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 requirements.
- 20 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.
- 21 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

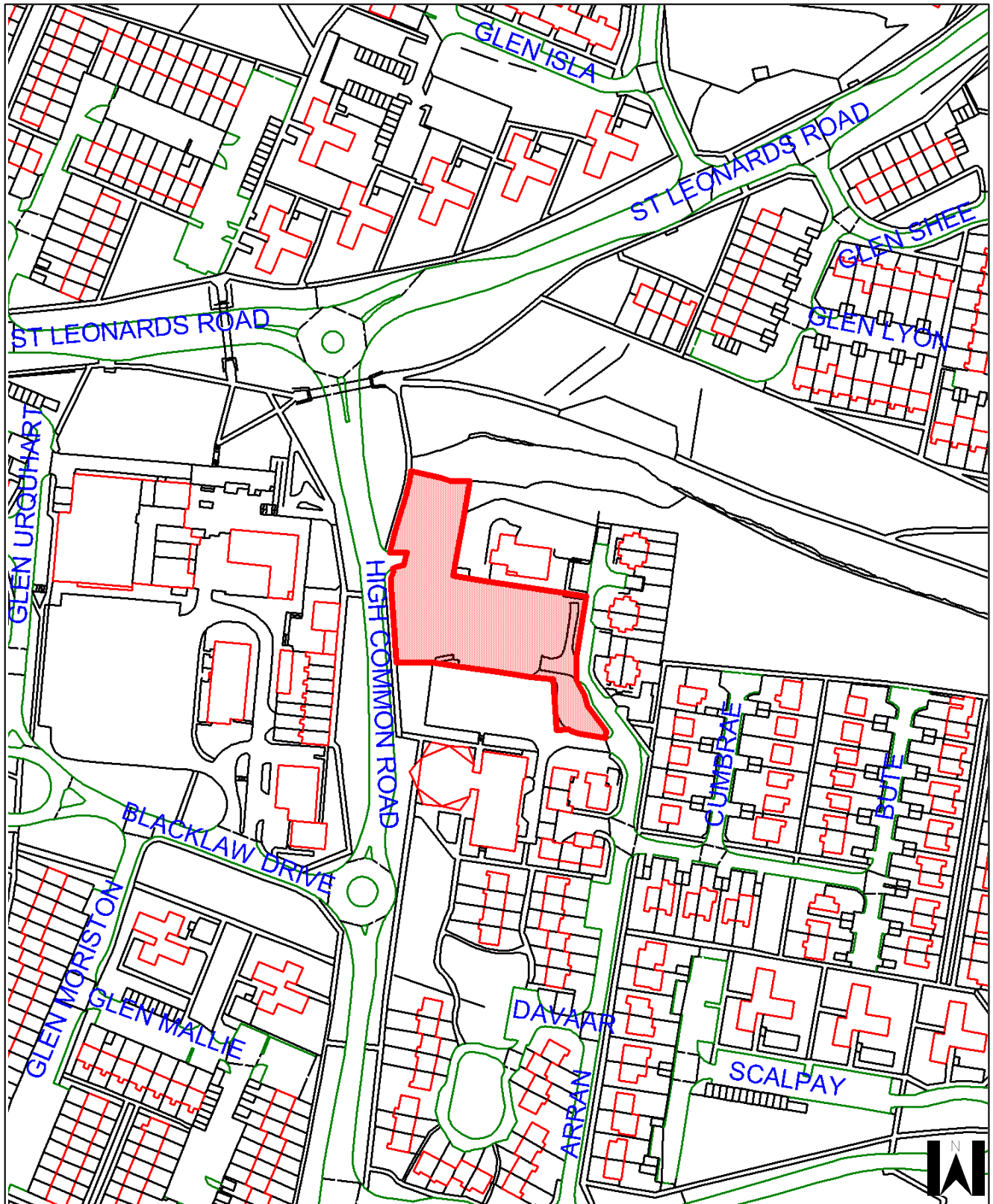
Council as Planning Authority.

- 22 (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.
- 23 The use of the premises (with the exception of maintenance works not audible outside the premises), shall be restricted to the following hours of operation:  
Mondays to Fridays: Between 8.00am and 7.00pm  
Saturdays: Between 8.00am and 1.00pm  
Sundays: No audible activity
- 24 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 CO<sub>2</sub> 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 CO<sub>2</sub> emissions of the development, clearly illustrating the additional 15% reduction beyond the 2007 building regulations CO<sub>2</sub> 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.
- 25 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 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 To comply with section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 3 In the interests of amenity and in order to retain effective planning control.
- 4 In the interests of amenity and in order to retain effective planning control.
- 5 These details have not been submitted or approved.
- 6 In order to retain effective planning control.
- 7 In the interests of the visual amenity of the area.
- 8 In the interests of amenity.
- 9 In the interests of public safety.
- 10 In the interest of road safety.
- 11 In the interest of public safety.
- 12 In the interest of public safety.
- 13 In the interest of public safety.
- 14 In the interest of public safety.
- 15 In the interest of public safety.
- 16 In order to retain effective planning control
- 17 To ensure the provision of a satisfactory land drainage system.
- 18 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.
- 19 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.
- 20 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.
- 21 To minimise the risk of nuisance from dust to nearby occupants.
- 22 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.
- 23 To minimise noise disturbance to adjacent occupants.
- 24 To secure a reduction in carbon dioxide emissions.
- 25 To secure the timeous implementation of on-site zero and low carbon energy technologies.

For information only



For information only