

	<h1>Report</h1>	<b>Agenda Item</b>  <h1>5</h1>
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Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>26 April 2005</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Application No	EK/04/0389
Planning Proposal:	Erection of Residential Development (Outline)

## 1 Summary Application Information

- Application Type : Outline Planning Application
- Applicant : BMJ Properties Ltd
- Location : Land between Eaglesham Road  
& Hayhill Road  
Jackton  
East Kilbride

## 2 Recommendation(s)

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

- (1) Grant outline planning permission (Subject to Conditions – based upon the conditions attached)

### 2.2 Other Actions/Notes

- 1) The Planning Committee has delegated powers to determine this application.
- 2) The application is contrary to the Development Plan and objections have been received. In accordance with Council procedures, a hearing may be required prior to determination.
- 3) If Committee are minded to grant consent, in terms of the Town & Country Planning (Notification of Applications) (Scotland) Direction 1997, the application must be referred to the Scottish Ministers because the proposed development does not accord with the adopted local plan and the Council has an interest in the land.

## 3 Other Information

- ◆ Applicant's Agent: C.R.G.P. Architects
- ◆ Council Area/Ward: 28 Mossneuk/Kittoch
- ◆ Policy Reference(s): Policy SLP1 of the adopted East Kilbride and District Local Plan

- ◆ Representation(s):
  - ▶ 1 Comments Letters

- ◆ Consultation(s):

Roads and Transportation Services (East Kilbride)

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

West of Scotland Archaeology Service

Jackton & Thorntonhall Community Council

Public Protection - Environmental Health (East Kilbride)

TRANSCO (Plant Location)

## Planning Application Report

### 1 Application Site

- 1.1 The application relates to a site between Hayhill Road and Eaglesham Road, Jackton. The site lies immediately to the west of the Bogton Farm housing site. The Bogton Farm site was released for residential use through the East Kilbride and District Local Plan and outline consent was granted in August 2004.
- 1.2 The current application site is between the Bogton Farm housing site and the strip of woodland known as the Hayhill Ridge. The site extends to 6.64 hectares and is relatively flat in the south and east parts of the site rising to both the Hayhill ridge and Hayhill Road. The site is currently grassed with mature woodland on the ridge, newly planted woodland along Hayhill Road and hedgerows along the field boundaries. The site is currently accessed through field gates only. The Council owns part of the site located adjacent to Eaglesham Road.

### 2 Proposal

- 2.1 The applicant has applied for outline planning consent to develop the site for residential use. The applicant has shown an indicative access from the existing roundabout which currently serves the Police Training College. This would require the provision of a fourth leg on this roundabout to serve the proposed dwellings. No details of the dwellings or layout have been provided at this stage.

### 3 Background

#### 3.1 Local Plan Status

The proposal can be assessed against the policies contained within the adopted East Kilbride and District Local Plan. The site is identified as Greenbelt in the local plan and therefore can be assessed against Policy SLP1. The proposal was advertised as Development Potentially Contrary to Development Plan in the East Kilbride News on 7<sup>th</sup> July 2004. A full discussion of the proposal against Policy SLP1 is contained in Section 6 below.

### 4 Consultations

- 4.1 **SLC Roads and Transportation Services** raised no objections to the proposal providing that a fourth arm on the roundabout can be accommodated within any application site.

**Response:** The application is in outline only and no details of the roundabout design are available. This can be fully considered at the detailed application stage.

- 4.2 **SLC Environmental Services** recommended that a ground conditions survey should be carried out.

**Response:** Noted. A condition can be placed on the outline consent requiring a ground conditions survey to be lodged as part of any detailed planning application.

- 4.3 **SEPA** raised the issue of capacity at Philipshill Wastewater Treatment Works and recommended that any detailed scheme includes provision for Sustainable Urban Drainage and Waste Storage. SEPA have also advised that they would wish the watercourse to be crossed via a bridge rather than culverted.

**Response:** Noted and conditions can be placed on the outline consent requiring these details to be lodged as part of any detailed planning application.

- 4.4 **Transco** advised that a gas main exists within the site and that measures should be taken to protect this apparatus.

**Response:** The applicant is aware of the existence of the gas main. This issue will require to be addressed through the design of the final scheme and considered at the detailed planning application stage when Transco will be consulted again.

- 4.5 **West of Scotland Archaeology Service** raised no objections subject to an archaeological investigation being carried out on the site prior to any development.

**Response:** Noted and a condition will be attached to any consent issued.

- 4.6 **Jackton and Thorntonhall Community Council** objected to the proposal on the following grounds.

**a) The proposal is contrary to the settlement boundaries shown on the local plan and therefore is also contrary to the greenbelt policies in the local plan.**

**Response:** The proposal lies within the Greenbelt as designated in the adopted East Kilbride and District Local Plan. The proposal for housing is therefore contrary to the adopted local plan and was advertised as such in the East Kilbride News on 7<sup>th</sup> July 2004.

**b) It is contrary to the Greenbelt policies as set out in the Glasgow and Clyde Valley Joint Structure Plan, and Key Diagram Inset A of this plan.**

**Response:** The Structure Plan sets out a broad overview of the Greenbelt location however it is the local authority who defines the detailed boundary. As stated above, the proposal is located within the Greenbelt and was advertised as Development Potentially Contrary to Development Plan.

**c) The proposal is contrary to the Town and Country Planning (Scotland) Act, Part II, paragraph 5B.**

**Response:** The Town and Country Planning (Scotland) Act sets out the legislative framework for the planning system in Scotland, and not policy guidance. Notwithstanding this there is no paragraph 5B. Paragraph 5(2) states that the district of every planning authority in Scotland shall be included within a structure plan area.

**d) There are no grounds for arguing that the site does not contribute to the Greenbelt especially as it was preserved by the Reporters, and when the cumulative effect of recent proposals are taken into account.**

**Response:** The Reporter stated that there could potentially be scope for development in this area, subject to the protection of the setting of the ridge and the shelterbelt.

**e) The Planning Service have previously stated that the approval of the houses in Hayhill Road should not set a precedent for other developments within the Greenbelt.**

**Response:** Four dwellings were approved within the existing ribbon of houses in Hayhill Road. The scale and nature of this proposal does not compare with those approved in Hayhill Road.

## **5 Representations**

- 5.1 One letter of representation was received in respect of this application. The respondent did not wish to formally object to the proposal but expressed interest in the detail of the masterplan for the site. At this stage, no details of the proposed layout have been submitted.

## **6 Assessment and Conclusions**

- 6.1 The applicant has applied for outline planning consent for a residential development on land between Hayhill Road and Eaglesham Road, Jackton. The application site is bounded by Eaglesham Road to the south, Hayhill Road to the north and the shelterbelt running from Eaglesham Road to Hayhill Road along the ridge to the west. The site identified for housing at Bogton Farm lies immediately to the east of the site. The proposed access is via the existing roundabout which currently serves the Police Training College. An area extending to just under a hectare and bounding Eaglesham Road is owned by South Lanarkshire Council.
- 6.2 The site is located within the Greenbelt as identified in the adopted East Kilbride and District Local Plan. Policy SLP1 sets out the Greenbelt policy and states that within the Greenbelt, the Council will strongly resist the encroachment or introduction of urban uses. There shall be a general presumption against all development except where it can be shown to be necessary for the furtherance of agriculture, forestry or other appropriate use. Any development that the Council considers to be appropriate in principle should be located and designed, in a manner that will not adversely affect the natural and amenity value of the Greenbelt. In terms of the land use, the proposal is contrary to Policy SLP1 as general purpose housing does not constitute an appropriate Greenbelt use and is not necessary for the furtherance of agriculture or forestry. The proposal was advertised as Development Potentially Contrary to Development Plan in the East Kilbride News.
- 6.3 Whilst the application site is identified as being within the Greenbelt in the adopted local plan, the development of this site was discussed at the East Kilbride and District Local Plan Inquiry. This site owned by BMJ Properties was shown within the indicative layout relating to the Bogton Farm site. An area within the Bogton Farm site, owned by Stewart Milne/ Persimmon Homes was later identified by the Reporter as a potential housing site and outline planning consent has since been granted. At the time of the local plan inquiry, the developers promoting Bogton Farm did not have control of the site owned by BMJ Properties and the subject of this application. The Reporter referred to the site owned by BMJ Properties in his assessment of the Bogton Farm development and stated:-

“The site at present, along with the Hayhill Ridge, Eaglesham Road and Redwood Drive helps to establish a clear definition of this part of the town’s western physical boundaries. The GSO, along with Hayhill Road in combination with the ridge and supported by planting would provide satisfactory defensible boundaries, which would strengthen in time.”

The Reporter refers to the Hayhill Ridge throughout his assessment of the wider Bogton Farm site and considers that this ridge and Hayhill Road contains this part of the town. Hayhill Ridge is sensitive in terms of landscaping and no development should be allowed to breach this ridge. However the reporter clearly identifies Hayhill Road and the ridge as having the potential to create a sustainable and defensible boundary to this part of East Kilbride due to the topography and the existing planting.

- 6.4 The Hayhill Ridge is currently planted with a mature treebelt which sits on the highest part of the ridge. The Hayhill Ridge and its setting are important and the Reporter recognises that any development within this current application site would be constrained by the need to protect the ridge, which it does. It is clear from the

Reporter's comments throughout his assessment that there is development potential in the area covered by the current application site and indeed this would provide a stronger boundary than the site released through the local plan. The site's inclusion in the Greenbelt following the local plan inquiry was largely determined due to the uncertainty of the BMJ Properties' development aspirations.

- 6.5 The applicant has carried out advance planting along Hayhill Road which will mature in time and assist in further containing the site at this location. Further planting and landscaping will be required along the western boundary adjacent to the Hayhill Ridge, and the applicant has indicated that he would be willing to carry out advance planting in this part of the site. The landscaping is a crucial element of the scheme and would be carefully assessed at the detailed application stage.
- 6.6 In conclusion, I am satisfied that the development of this site will result in the provision of a strong, defensible boundary to the western part of East Kilbride. The reporter's assessment of this site through the local plan inquiry supports this view and refers specifically to housing development being acceptable, subject to appropriate landscaping treatment.
- 6.7 I would therefore recommend that planning permission be granted, contrary to the development plan, for the following reasons:
- 1) Hayhill Road would provide a strong and defensible boundary in this part of East Kilbride
  - 2) The Reporter's assessment of the site at the East Kilbride and District Local Plan Inquiry supports the development of this site, subject to landscape assessment and planting.
  - 3) The development would be contained within the flatter areas of the site and the Hayhill Ridge and its setting would not be affected.
  - 4) The site is located close to major links to Glasgow and Ayrshire, including the East Kilbride to Glasgow railway line. It is therefore well placed to provide an accessible housing development serving the wider area.

**Iain Urquhart**  
**Executive Director (Enterprise Resources)**

**19 April 2005**

#### **Previous References**

◆ None

#### **List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
  - Public Protection - Environmental Health (East Kilbride) 26/07/04
  - S.E.P.A. (West Region) 16/08/04

Jackton & Thorntonhall Community Council	13/07/04
TRANSCO (Plant Location)	09/07/04
Roads and Transportation Services (East Kilbride)	10/09/04
West of Scotland Archaeology Service	06/10/04

► Representations

Representation from : Mr D McLellan, Millbrae House, Redwood Drive,  
Thorntonhall, East Kilbride  
G74 5BD, DATED 02/08/04

**Contact for Further Information**

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

Lesley Campbell, Planning Officer, East Kilbride Area Office  
Tel: Ext 6314 (01355 806314)  
E-mail: [Enterprise.ek@southlanarkshire.gov.uk](mailto:Enterprise.ek@southlanarkshire.gov.uk)

**CONDITIONS**

- 1 That the development hereby permitted shall be started either within five years of the date of this permission or within two years of the date on which the last of the reserved matters are approved, whichever is the later;
- 2 That before the expiration of three years from the date of this outline permission and before any development starts, a written application and plans in respect of the following Reserved Matters shall be submitted to and approved by the Council as Planning Authority:
  - (a) a site layout plan at a scale of [ 1:500 ] showing the position of all buildings, roads, footpaths, parking areas (distinguishing where appropriate between private and public spaces), walls, fences, landscaping, open space and recreational provision;
  - (b) plans and elevations of each house and garage type showing their dimensions and type and colour of materials;
  - (c) a landscaping plan at a scale of [1:500 ] showing the location, species and ground spread of existing and proposed trees, shrubs and hedges;
  - (d) details of the phasing of development (covering all relevant aspects of development detailed in (a) above);
  - (e) detailed cross-sections of existing and finished ground levels and finished floor levels, in relation to a fixed datum, preferably ordnance datum.
  - (f) details of the proposed access road into the site and the land required for its construction and maintenance
  - (g) a report from a suitably qualified person describing the soil and ground conditions prevailing over the application site (including details of the nature, concentration and distribution of any contaminants).
- 3 That the further application required under the terms of Condition No.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 shall be agreed with the Council as Planning Authority in consultation with SEPA.
- 4 That no dwellinghouse shall be occupied until the site is served by a sewerage scheme constructed to the specification and satisfaction of Scottish Water as Sewerage Authority.
- 5 That no trees within the application site shall be lopped, topped, pollarded or felled, or otherwise affected, without the prior written consent of the Council as Planning Authority.
- 6 That the developer shall secure, at their expense, the implementation of an archaeological watching brief to be carried out during development work by an archaeological organisation, details of which shall be submitted to and approved by the Council as Planning Authority at least 14 days before development commences on site. Terms of Reference for the watching brief shall be provided by the West of Scotland Archaeology Service. The approved archaeological organisation shall be afforded access at all reasonable times to record and recover items of interest and finds.



## **REASONS**

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 Consent is granted in outline only.
- 3 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 off-site flooding.
- 4 To ensure the provision of a satisfactory sewerage system
- 5 To ensure the protection and maintenance of the existing mature trees within the site
- 6 To ensure that provision is made to address areas of archaeological interest.

EK/04/0389

EAGLESHAM ROAD/ HAYHILL ROAD, JACKTON

Planning and Building Control Services

Scale: 1: 5000

For information only

For information only



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