

	<h1>Report</h1>	<b>Agenda Item</b>  <h2>4</h2>
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Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>21 June 2005</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Application No	EK/05/0212
Planning Proposal:	Erection of Sixteen Flatted Dwellings

### 1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Springfield Homes Scotland Ltd
- Location : Philipshill Garden Centre Site  
Philipshill 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 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 determining the application.
- (3) If Committee are minded to grant consent, in terms of the Town and Country Planning ( Notification of Applications) (Scotland) Direction 1997, the application must be referred to the Scottish Ministers because the proposal constitutes a significant departure from the approved Structure Plan.

### 3 Other Information

- ◆ Applicant's Agent: DTA Chartered Architects
- ◆ Council Area/Ward: 29 Stewartfield
- ◆ Policy Reference(s): Policies ENV1, SLP1 and SLP6 of the East Kilbride and District Local Plan.

- ◆ Representation(s):

▶ 5 Objection Letters

◆ Consultation(s):

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

Scottish Water

Public Protection - Environmental Health (East Kilbride)

Roads and Transportation Services (East Kilbride)

TRANSCO

## Planning Application Report

### 1 Application Site

- 1.1 The application relates to a site in Philipshill Road, East Kilbride. The site is located on the west side of Philipshill Road and is currently occupied by Philipshill Garden Centre and the attached dwellinghouse. The site is accessed from Philipshill Road and extends to 0.5 hectares. The site is bounded by open fields to the west, Philipshill Farm Cottage to the north, new dwellings and flats in Philipshill Gate to the east and the A726 East Kilbride-Busby Road to the south. As part of the construction of the Glasgow Southern Orbital (GSO) route, a flyover has been constructed on this road, to the south of the site.

### 2 Proposal(s)

- 2.1 The applicant intends to demolish the dwelling and buildings associated with the garden centre and erect 16 flatted dwellings. The site will be accessed from Philipshill Road at the existing access point and the existing car park serving the garden centre will be utilised to provide 32 parking spaces serving the proposed flats. The 16 flatted dwellings will be arranged in a courtyard on the northern part of the site. This area currently is occupied by the garden centre and associated outbuildings. The flats are contained in a single block which is largely two storeys in height with two, three storey blocks on the northern corners of the site. The flats will be finished in render with reconstituted slate tiles and timber framed windows. It is proposed to retain the hedges bounding the site.
- 2.2 The 16 flats will consist of two bedrooms (one ensuite), lounge, kitchen, bathroom and either a balcony or a sun room. Externally there will be communal grassed areas and landscaping, within the courtyard and further communal areas, accessed via two pends, to the north of the block.

### 3 Background

- 3.1 The application can be assessed against the policies contained in the adopted East Kilbride and District Local Plan. The site is located within the Greenbelt and Policy ENV1 would apply. Policy ENV1 states that there will be a presumption against all development in the Greenbelt except where it can be shown to be necessary for the furtherance of agriculture, forestry or other appropriate Greenbelt use. The proposal was advertised as Development Potentially Contrary to Development Plan in the East Kilbride News on 20 April 2004.

### 4 Consultation(s)

- 4.1 **SLC Roads and Transportation Services** raised no objections to the proposal subject to conditions being attached to ensure that the access/ egress arrangements are satisfactory.  
**Response** - Noted and conditions will be attached to this effect.
- 4.2 **SLC Environmental Services** raised no objections to the proposal.  
**Response** - Noted.
- 4.3 **TRANSCO** advised that there were three high pressure pipelines in the vicinity of the site and advised of the minimum stand off distances for each pipeline.  
**Response** – Noted. the nearest pipeline is located 25 metres from the nearest part of the building. For this pipeline, the stand off distance is 16 metres. Whilst each of the pipelines are located some distance further away than the minimum stand off from buildings a condition will be attached to ensure the protection of these pipelines.

**4.4** **SEPA** raised no objections subject to the provision of a sustainable urban drainage scheme.

**Response** – Noted and a condition will be added to any consent issued.

**4.5** **Scottish Water** objected to the proposal on the grounds that the Wastewater Treatment works are currently over capacity.

**Response** – The application site is adjacent to Philipshill Wastewater Treatment Works which are over capacity and are currently being upgraded. A condition will be attached to any consent issued to ensure that a satisfactory sewerage scheme is provided.

## **5 Representation(s)**

**5.1** Following statutory neighbour notification and advertising the proposal as Development Potentially Contrary to Development Plan on 20 April 2004, five letters of objections were received. The points raised are summarised below.

1. The site is located within the greenbelt and is contrary to the local plan. If this is approved, it will set a precedent for other areas to be developed.

**Response** – It is acknowledged that the site is located within the greenbelt and is contrary to the local plan. However, each application is considered and assessed on its individual merits. The site is located on a previously developed site with a number of disused buildings. I do not consider that this proposal would set a precedent elsewhere.

2. The loss of trees which provide natural screening would also result in the loss of the pleasant countryside setting of Philipshill Road.

**Response** – Whilst some individual trees will be removed, there is an existing belt of trees bounding Philipshill Road which are outwith the application site and will not be affected.

3. The flats consist of three storeys and no building within Philipshill is higher than two storeys. The proposed flats would not blend well with the existing buildings.

**Response** – The block is mainly constructed over two storeys with two three storey sections on the corner. It should be noted that there are already flats located opposite the site in Philipshill Gate.

4. There would be an increase in the volume of traffic using Philipshill Road.

**Response** – The proposal is for 16 flats and whilst there may be an increase in traffic from the volumes using the garden centre, this would not be significant.

5. The development of 16 flats on the site of a single residence adjoining a garden centre will change the ambience of this small hamlet and be detrimental to the natural environment.

**Response** – The proposal constitutes the redevelopment of a brownfield site with a development of flats similar to those on the opposite side of Philipshill Road. In a wider context, this area has altered in character since the development of the GSO.

6. In the past, the Planning Service has defended Philipshill as a sensitive area and resisted development.

**Response** – There have been previous applications on adjacent sites which have been resisted. As stated above, the site is a brownfield site and the flyover has altered the character of Philipshill. It is considered that the approval of this application can be justified given the existing use and the associated car park area.

7. Three storey flats are unacceptable.

**Response** – Most of the proposed block consists of two storeys. There are two corner blocks which are three storeys in height however these are located on the lowest part of the site. To reiterate, there are already flats in Philipshill.

8. There will be a disturbance from the construction of the flats.

**Response** – As with all developments, there are restrictions under Environmental Health legislation, on the hours of construction. This will minimise disturbance to adjacent residents.

## **6 Assessment and Conclusions**

- 6.1** The applicant intends to erect 16 flatbed dwellings on the site of Philipshill Garden Centre, Philipshill Road, East Kilbride. The development will utilise the existing car park associated with the garden centre with the flats contained in a single block around the east, north and west boundaries of the site.
- 6.2** The proposal can be assessed against the policies contained in the East Kilbride and District Local Plan and in particular greenbelt policies ENV1 and SLP1. In addition the proposal can be assessed against the approved Glasgow and Clyde Valley Joint Structure Plan. The proposal constitutes a significant departure from the structure plan in that it is for the development of more than ten houses outwith the Urban Expansion Area. In light of this, the proposal, if approved, will require to be referred to the Scottish Executive under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997.
- 6.3** Policy ENV1 sets out the greenbelt land use policy and SLP1 provides detailed development control policies for the greenbelt. In addition, Policy SLP6 sets out detailed policy for assessing individual proposals.
- 6.4** The proposal was advertised as Development Potentially Contrary to Development Plan. The greenbelt policy 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 uses considered by the Council to be appropriate to the greenbelt.” It goes on to state that any development that the Council considers appropriate, should be designed in a manner that will not adversely affect the agricultural, natural and amenity value of the greenbelt. The proposal is contrary to the greenbelt policies contained in the adopted Local Plan, in that there is not agricultural or other justification for the development. I do not consider, however, that the erection of these dwellings on a brownfield site will adversely affect the value of the greenbelt. The area to the south of the application site has been considerably altered with the construction of the flyover and as a result the landscape and character of this area is more urban. Against this backdrop, I do not consider that the development of the application site will adversely affect the amenity and value of the greenbelt at this locale. The proposal has been designed to reflect the surrounding dwellings and sits well on Philipshill Road.

- 6.5** Policy SLP1 provides guidance on development within the Greenbelt and states that new houses will not normally be permitted. As stated above, the proposal is strictly contrary to Policy SLP1 however I do not consider that the development of this site will adversely affect the character of the greenbelt in this area.
- 6.6** Policy SLP6 relates to development control in general and states that all applications should take fully into account the local context and built form, i.e. development should be compatible in terms of scale, massing and external materials. The proposal has been designed to reflect the character of the dwellings in Philipshill Gate in terms of the height, materials and scale of the building.
- 6.7** In conclusion, whilst the proposal is contrary to the adopted Local Plan, I would consider that a departure is justified in this instance, given the surrounding proposals. Following the development of the GSO, the nature of Philipshill Road has been considerably altered and I do not consider that the approval of flatted dwellings on a brownfield site will further affect this character or set a precedent elsewhere in the area. I would therefore recommend that planning permission is granted, contrary to the adopted Local Plan for the following reasons:
1. The proposed dwellings are well designed and meet with Policy SLP6 of the adopted East Kilbride and District Local Plan.
  2. The application site is a brownfield site currently occupied by a garden centre. As a result, the site does not represent a critical part of the greenbelt resource
  3. The proposal does not set a precedent for other developments within the greenbelt given the unique nature of the site.

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

**13 June 2005**

#### **Previous References**



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

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
  - Roads & Transportation Services 01/06/05
  - Public Protection - Environmental Health (East Kilbride) 22/04/05
  - TRANSCO 20/04/05
  - S.E.P.A. (West Region) 04/05/05
  - Scottish Water 23/05/05

► Representations

Representation from : J E Allan, 94 Franklin Place  
Westwood, EAST KILBRIDE  
G75 8LS, DATED 03/05/05

Representation from : Mr & Mrs T Bendall, Flat 6  
7 Philipshill Gate, EAST KILBRIDE  
G74 5LF, DATED 03/05/05

Representation from : George & Barbara Hayden, 1 Philipshill Gate  
East Kilbride  
G74 5LF, DATED 22/04/05

Representation from : J.E. Allan, 94 Franklin Place  
Westwood, East Kilbride  
G75 8LS, DATED 05/05/05

Representation from : Mr & Mrs Norman Bennett, Heatherbank  
Philipshill Road, East Kilbride  
G76 9HR, DATED 13/05/05

**Contact for Further Information**

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

Lesley Campbell, Planning Officer, Civic Centre, East Kilbride  
Ext. 6314 (Tel :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 within five years of the date of this permission.
- 2 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.
- 3 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.
- 4 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.
- 5 That all trees to be retained within the site shall be fully protected during the period of construction and prior to any work commencing on the site, written details specifying the nature of such measures shall be submitted to and approved by the Council as Planning Authority.
- 6 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.; (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.
- 7 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 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.
- 8 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.
- 9 That before any of the dwellings situated on the site upon which a fence is to be erected is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition No.8 above, shall be erected and thereafter maintained to the satisfaction of the Council.



- 10 That before The development hereby approved is completed or brought into use, the new vehicular access so far as it lies within the boundaries of the road abutting the site, shall be constructed in accordance with the specification and to the satisfaction of the Council as Roads and Planning Authority.
- 11 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.
- 12 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.
- 13 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.
- 14 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.
- 15 That the area shaded yellow on the approved drawings shall be kept free from buildings and all other structures for all time unless prior written consent has been obtained from both Transco and the Council as Planning Authority.
- 16 That no dwellinghouse shall be complete until the site is served by a sewerage scheme constructed to the specification and satisfaction of South Lanarkshire Council as Planning Authority and Scottish Water as Sewerage Authority.

## REASONS

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interests of amenity and in order to retain effective planning control.
- 3 In the interests of amenity and in order to retain effective planning control.
- 4 To ensure the protection and maintenance of the existing mature trees within the site
- 5 To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.
- 6 In the interests of the visual amenity of the area.
- 7 In the interests of amenity.
- 8 These details have not been submitted or approved.
- 9 In order to retain effective planning control
- 10 In the interest of public safety
- 11 In the interest of public safety
- 12 In order to retain effective planning control
- 13 To ensure the provision of a satisfactory land drainage system.
- 14 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.
- 15 To maintain the stand off distance from the Gas Pipeline.
- 16 To ensure provision of a satisfactory sewerage system.

For information only

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