

Report

Report to:	Planning Committee
Date of Meeting:	14 May 2019
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/0392
Planning proposal:	Erection of 28 no. flatted dwellings over two blocks with associated landscaping, roads, car parking and infrastructure (amendment to EK/18/0001)

1 Summary application information

Application type: Further application

Applicant: Westpoint Homes Ltd

Location: Peel Road
Thorntonhall
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

- (1) The Planning Committee has delegated powers to determine this application.

3 Other information

- ◆ Applicant's Agent: David McIntosh
- ◆ Council Area/Ward: 09 East Kilbride West
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 4 – Development Management and Place Making
Policy 6 – General Urban Area/Settlements
Policy 12 – Housing Land

Development management, placemaking and design supplementary guidance (2015)

Policy DM1 - Design

**Proposed South Lanarkshire Local
Development Plan 2**

Policy 3 – General Urban Area/Settlements

Policy 5 – Development Management and Place
Making

Policy 11 – Housing Land

Policy DM1 – New Development Design

♦ **Representation(s):**

▶	6	Objection Letters
▶	0	Support Letters
▶	1	Comment Letters

♦ **Consultation(s):**

Roads Development Management Team

Planning Application Report

1 Application Site

- 1.1 The application site covers an area of approximately 2.6ha. It relates to the south and south-western portion of an existing site at the end of Osborne Crescent, Thorntonhall. To the west of the site, the land is relatively flat, however, there is a change of level to the east as the land slopes north to south. To the north are 12 existing properties, constructed in 2011. There are a number of older properties to the east on Osborne Crescent. To the west is farmland located in East Renfrewshire. To the south is the Glasgow to East Kilbride railway line. The site is undulating and slopes down from south eastern corner to the west and north towards the watercourse.

2 Proposal(s)

- 2.1 Through a previous application as part of a larger site granted in 2015, the site received consent for 8 houses. A further application (EK/18/0001), for 28 flatted dwellinghouses over two blocks of 14 flats was approved by the Planning Committee in March 2018.
- 2.2 The current proposal relates purely to a change in design of the 28 previously approved flats and car parking. The changes proposed relate to the re-orientation of Block B to reflect Block A thereby improving views to the south-west. In addition, the parking to Block B is being moved to the north and the cycle and refuse stores will be relocated to an external, covered area. In addition, balconies will be formed as external structures and the internal circulation has been improved. As per the previous consent, the building will be finished in light brown brick to reflect the wooded area in the vicinity. The site will take both a construction and permanent access via Baroness Drive and Baron Court.

3 Background

3.1 Local Plan Status

- 3.1.1 The site has been identified as an extension to the Thorntonhall settlement boundary as part of the South Lanarkshire Local Development Plan (as per Policy 12 – 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 4 - Development Management and Place Making, Policy 6 – General Urban Area/Settlements and Policy 12 – Housing also apply. Policies 5 – Community Infrastructure Assessment and 13 - Affordable Housing would normally apply, however the appropriate contributions required have now been paid.

3.1.3 On 29 May 2018 the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance Policies 3, 5, 11 and DM1 are relevant.

3.2 Planning Background

The previous applicant, Cala Homes, received approval of a development of 53 dwellings of which 42 dwellings have been constructed (EK/13/0338). Consent for a further application for 28 flats (EK/18/0001) for the current site, which formed part of a larger site, was issued in March 2019. The appropriate financial contributions for the site have already been paid.

4 Consultation(s)

4.1 **Roads and Transportation Services (Development Management)** – have no objections subject to the recommended conditions relating to drainage, parking and access.

Response: Noted. These conditions have been attached.

5 Representation(s)

5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the East Kilbride News.

5 Representation(s)

5.1 Following statutory neighbour notification and advertisement in the East Kilbride News, 6 letters of objection and 1 comment letter have been received. The points raised are summarised as follows:

(a) The proposal will create a significant increase in traffic through Baron Court which will pose a risk to road safety, increase noise and disturbance. The roundabout serving the site was never designed to handle the number of units now planned. Why have technical reports never been made public?

Response: The application site already has planning permission for residential development (28 flats). Vehicular movements are likely to be spread over the day and not all concentrated to morning and evening rush hour. The proposal provides 210% parking provision to each property. This is in excess of the required level of 150%. Previously, Environmental Services

have not raised any objections in relation to construction noise or traffic noise. The site is designed to encourage slower vehicular speeds and this will be aided by traffic calming. As a result of the proposed number of units, no transport assessment was required. However, Roads Services have been fully involved at each stage of the development. The road will be assessed prior to development commencing and the developer will be responsible for rectifying any damage. This is standard practice.

(b) The previous application by Cala was unsuccessful. The previous construction is over-development.

Response: The previous application by Cala was approved in March 2018 and has now been purchased by the applicants. The principle of residential development, and, in particular, a development of 28 flatted units, has already been established. This application specifically deals with the design of the flats and the location of the car parking.

(c) The site of the proposal contains generous tree life and many natural habitats some which have already been removed. JCB equipment has been accessing the site from Osborne Crescent. No further access should be taken from this point

Response: An ecological survey was updated and no protected species were found. A number of trees will be removed to allow for the road to be constructed, however, a scheme of replanting will be agreed with the developer. Trees outwith the site were removed by taking access from Osborne Crescent. This was undertaken by the farmer using access rights. Construction access to the site will be taken through Baron Court.

(d) The plans do not inform the height of the proposed blocks or the materials being used.

Response: The proposed plans, available for inspection on the Council's website, show both the height of the flats and the proposed materials. The two blocks will be 13 metres and 12.7 metres respectively. The buildings will be finished in light brown brick as per the previous consent.

(e) Drainage infrastructure is already at capacity.

Response: Scottish Water has previously confirmed that there is sufficient capacity. In addition, a SUDs drainage scheme will be included in the design to deal with surface water.

(f) The development will result in the loss of security and privacy. Baron Court has already been subject to acts of crime. The applicants should carry out a risk or traffic assessment in terms of safety and security. There have been a number of instances with properties being photographed together with vehicle and mail theft.

Response: The design of the flats complies with the approved Residential Design Guide, including window to window distances and, therefore, the layout of the development is considered acceptable. The proposal is an amendment to a previous application and, therefore, a risk assessment would not be required in this instance. Moreover, the number of units proposed,

even when added to the existing units, would not have triggered the need for a traffic assessment even although the layout and proposal have changed.

(g) There is a pond on the grassy area between 5 and 6 Baron Court and several fruit trees. Amphibian animals (possibly newts and frogs) have been spotted in this area and in the later part of the year wild flowers grow on this land. You will be aware of the repercussions for anyone disturbing such animals and uprooting wild flowers. Has an ecological survey been carried out and if so what were the results?

Response: Previous ecological surveys have found no protected species, however, the site will require to be surveyed again prior to development commencing.

(h) The Council has 'rolled over once again and given approval to Westpoint's proposal. Is there a longer agreement between SLC, Cala, and Westpoint of more development utilising this route?

Response: The decision on this application will be taken by the Planning Committee in line with Council procedures. Any future applications would be considered on their own merits, however, development in this area is limited by the railway line and the boundary with East Renfrewshire. This application relates purely to a re-design of a previously approved development which is compliant with development plan policy. Cala Homes are no longer involved in this site.

(i) A road will replace an adjacent grassed area for which the residents of Baron Court/Baroness Drive pay factoring fees. Surely we have a right to determine what happens to this land. If not, are SLC liable to compensate the 12 households for going ahead and doing as they please on land which we have been paying to have maintained?

Response: As per this current proposal, the original 2015 consent relating to 53 units included a road going through this area to service the new housing to the south. Also, a significant area of open space will be retained within the overall development. Land ownership and any subsequent sale of a property is a separate legal matter between the relevant parties.

- 5.2 These letters have been copied and are available for inspection in the usual manner and 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 previously consented on the site.
- 6.2 The adopted South Lanarkshire Local Development Plan classifies the site as Housing Land as per Policy 12. The site was included as an acceptable settlement extension. Following the previous approvals, the current applicants are proceeding with a development of 28 dwellings made up of two blocks of

14 flats - each four storey including a penthouse. Each floor will house 4 flats with 2 on the penthouse floor. The flats are being re-orientated slightly on the same location to take advantage of southern view. In addition, the height will remain broadly similar though will be slightly lower. The car parking for the western block will be re-located to the north of the block and the parking to eastern block will be moved slightly to the south.

- 6.3 The open space associated with the development, will be extensive and represents approximately 80 % of the site. The site will be accessed from the roundabout on Peel Road through Baroness Drive and Baron Court. The applicant will continue the designing streets layout whereby it will primarily favour the pedestrian and use a series of different chicanes/traffic calming and surfaces to slow down vehicles.
- 6.4 Policy 4, Development Management and Placemaking, Policy 6, General Urban Areas and Policy DM1, 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 spaces. The site is located directly opposite a similar existing residential area and is bounded to the east by older, more traditional properties. The proposed flats are suitably large in keeping with other such properties in Thorntonhall. The flats are bespoke to the development and located within a generous landscaped area. The colour of the materials will respond to the trees surrounding them. The blocks will also use modern materials which are sustainable.
- 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 6.3, the layout provides significant open space, good footpath connections and gives added protection to the mature trees on the south-eastern corner. The applicant has submitted a Design Statement which has established how the site layout has been influenced by the topography of the site. A Sustainable Urban Drainage Scheme will be incorporated within both the road layout and in a western portion of the open space. The site uses Sustainable Urban Drainage Systems, is close to public transport routes and is, therefore, acceptable in terms of sustainability. SEPA has previously advised that they have no objections to the development subject to conditions relating to flooding. I am, therefore, satisfied that the proposal complies with Policies 4, 6, 12 and DM1 of the adopted plan.
- 6.6 Policy 13, Housing Choice, specifically refers to affordable housing. Given that the proposal is for more than 20 dwellings, the policy would normally be applied in this instance by way of a commuted sum. These monies have already been paid through the previous application.
- 6.7 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting

Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposal accords with Policies 3, 5, 11 and DM1 in the Proposed plan.

- 6.8 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 solely relates to the change in design of the flats and the location of one of the car parking areas. Given this, it is recommended that detailed planning permission be granted.

7 Reasons for Decision

- 7.1 The proposal complies with Policies 4, 6, 12 and DM1 of the South Lanarkshire Local Development Plan 2015 and policies 3, 5, 11, and DM1 of the Proposed South Lanarkshire Local Development Plan 2.

Michael McGlynn

Executive Director (Community and Enterprise Resources)

26 April 2019

Previous References

- EK/13/0338
- EK/18/0001

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated
- ▶ Consultations
 - Roads Development Management Team
- ▶ Representations

	Dated:
Mr GORDON MCMORRIS, Beechwood Gables, Osborne Crescent, Thorntonhall Glasgow, South Lanarkshire, G74 5AE	15.04.2019
Joe Allan, 94 Franklin Place, East Kilbride, Glasgow, South Lanarkshire, G75 8LS	11.04.2019
Atul Sabharwal, Dunvegan House, 5 Baron Court, Thorntonhall, Glasgow, G74 5BP	17.04.2019
Faisal Butt	17.04.2019

Israr Chaudry

17.04.2019

A.C. Clark, Osborne Crescent, Thorntonhall, G74 5AE

23.04.2019

Yacine Titi

16.04.2019

Contact for Further Information

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

Iain Morton, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Ext 5174 (Tel: 01698 455048)

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Detailed planning application

Paper apart – Application number: P/19/0392

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 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.

Reason: 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.

07. 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.

08. That the proposed water crossing is designed to convey the 1:200 year flow plus appropriate freeboard and that road has a neutral effect on flood risk and therefore existing ground levels within the functional floodplain should not be altered.

Reason: To ensure that there will be no increased risk of flooding to land and properties either on-site or downstream due to impedance of flood flows, increased surface water run-off and/or reduction of flood storage capacity.

09. That the culvert under the railway shall remain in situ.

Reason: To ensure that there will be no increased risk of flooding to land and properties either on-site or downstream due to impedance of flood flows, increased surface water run-off and/or reduction of flood storage capacity.

10. 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

11. 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

12. That before the development hereby approved is brought into use, a dropped kerb access to the site shall be constructed in accordance with the specification and to the satisfaction of the Council as Roads and Planning Authority.

Reason: In the interest of public safety

13. 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

14. That before the development hereby approved is completed or brought into use, a visibility splay of 2.4 metres by 43 metres measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interest of road safety

15. That before the development hereby approved is completed or brought into use, a visibility splay of 2.4 metres by 2.4 metres measured from the heel of the footway shall be provided on both sides of the vehicular access and everything exceeding 0.6 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.6 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interest of road safety

16. 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

17. 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 an L_{of} 30dB night-time. That unless otherwise agreed with the Planning Authority, the external levels shall not exceed an 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.

18. That prior to development commencing, a vibration survey shall be submitted to and approved by the Council as Planning Authority. All construction shall be compliant with British Standard BS 6472:1992 - Guide to evaluation of human exposure to vibration in buildings (1-80 Hz).

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

19. The applicant must provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. Details of the proposed fencing shall be submitted to the Planning Authority for approval before development is commenced and the development shall be carried out only in full accordance with such approved details.

Reason: In the interests of public safety and the protection of Network Rail infrastructure.

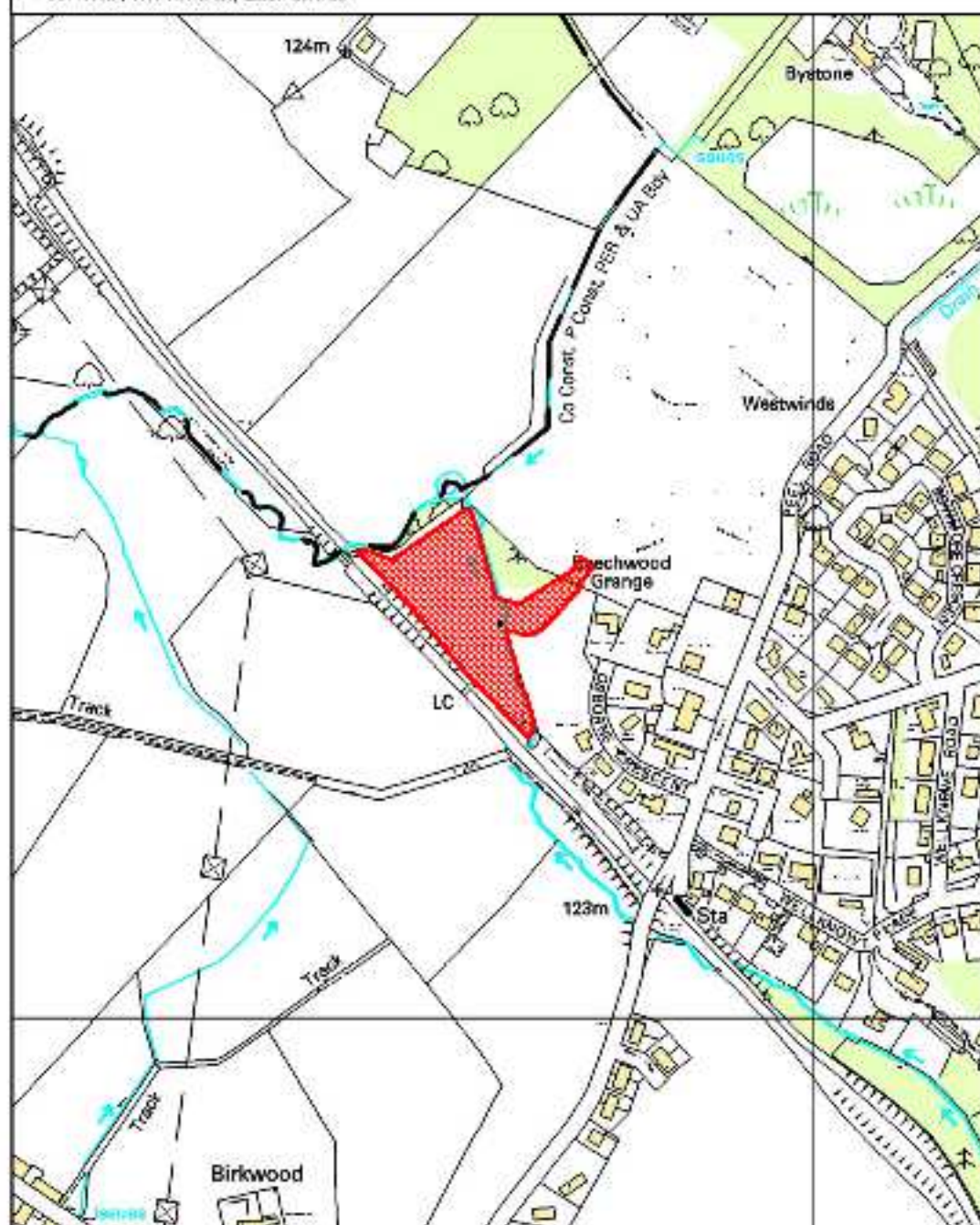
20. That any Sustainable Urban Drainage Scheme must not be sited within 10metres of the railway boundary and should be designed with long term maintenance plans which meet the needs of the development. The development shall be carried out only in full accordance with such approved details.

Reason: To protect the stability of the adjacent railway embankment and cutting and the safety of the rail network.

21. That prior to development commencing, the applicant shall carry out a joint inspection of the public road with the Council as Planning Authority. A further joint inspection shall be carried out following the completion of the development. Any damage to the public road during construction shall be repaired at the applicant's expense.

Reason: In the interest of road safety and to ensure the integrity of the public road is maintained.

Peel Road, Thorntonhall, East Kilbride



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