

Report

Report to:	Planning Committee
Date of Meeting:	30 August 2005
Report by:	Executive Director (Enterprise Resources)

Application No	EK/05/0011
Planning Proposal:	Demolition of Dwellinghouse and Erection of Five Detached Dwellings and Garages

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Nelson Developments Ltd
- Location : 6 Egmont Park & Adjoining Land
Newlandsmuir
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 proposed development does not accord with the adopted local plan and the Council has a financial interest in the land.

3 Other Information

- ◆ Applicant's Agent: DTA Chartered Architects
- ◆ Council Area/Ward: 27 Hairmyres/Crosshouse
- ◆ Policy Reference(s): Policies LR1, LR2, LR3 and SLP6 of the adopted East Kilbride and District Local Plan
- ◆ Representation(s):
 - ▶ 11 Objection Letters, including a letter of objection from Councillor David Watson, the local member for the area.

◆ Consultation(s):

Public Protection - Environmental Health (East Kilbride)

Leisure Services (Arboriculture)

Roads and Transportation Services (East Kilbride)

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

Power Systems

TRANSCO (Plant Location)

Scottish Water

Planning Application Report

1 Application Site

- 1.1** The application relates to a site at Egmont Park in the south west of East Kilbride. Egmont Park is a small cul-de-sac, accessed from Marlborough Park and consists of individually designed detached villas with garden areas. The application site includes No 6 Egmont Park, which lies on the west side of the street and the adjacent wooded area to the south of the street. The site extends to 0.3 hectares and slopes gently from east to west.
- 1.2** The site is bounded to the north and east by dwellings in Egmont Park, to the south by open space and woodland to the west. The application site is currently occupied by a detached dwellinghouse.

2 Proposal(s)

- 2.1** The applicant intends to erect five detached dwellings on the footprint and within the garden ground of the original dwelling and the additional land to the south of No 6 Egmont Park. The five replacement dwellings will be accessed via a small cul-de-sac located at the end of Egmont Park. The dwellings face into the cul-de-sac with four of the dwellings being located on the west of Egmont Park and the fifth dwelling on the east side of the street.
- 2.2** There are two house types proposed within the site. There are three of house type A which is constructed over two storeys and internally contains a lounge, dining room, breakfasting kitchen, study, utility room, wc, four bedrooms (two ensuite) and family bathroom. The remaining two dwellings are house type B which again are constructed over two storeys and internally contain lounge, dining room, kitchen, family room, study, WC, five bedrooms (two ensuite) and a family bathroom. Each of the dwellings will be finished in render with stone quoins, tiled roof and timber framed double glazed windows. Each dwelling will have a detached garage within the plot which will be accessed by a monoblocked driveway.

3 Background

3.1 Local Plan Status

The proposal can be assessed against the policies contained in the adopted East Kilbride and District Local Plan. Part of the site is identified for Leisure/Community use within the local plan and therefore the proposal was identified as Development Potentially Contrary to the Development Plan in East Kilbride News on 19 January 2005. Policies LR1 – Indoor/Outdoor Recreation, LR2 – Public Parks/Open Space and LR3 – Environment would apply. These policies aim to protect and enhance open space and recreational facilities within the plan area. The remainder of the site is located within an area identified as residential in the adopted local plan. Policy SLP6 – Development Control General seeks to ensure that all developments take account of the surrounding area. A full assessment of the proposal against these policies is contained in Section 6 below.

4 Consultation(s)

- 4.1 SLC Roads and Transportation Services** raised no objections and recommended that the drainage should be designed in accordance with sustainable urban drainage principles.
- Response** – Noted and conditions will be attached to any consent issued.

4.2 **SLC Environmental Services** raised no objections to the proposal.

Response – Noted.

4.3 **Scottish Water** objected to the proposal on the basis of capacity issues at Philipshill Waste Water Treatment Works.

Response – Noted. Philipshill Waste Water Treatment Works are currently over capacity and are presently unable to accommodate any further developments. Works are currently underway to upgrade the Treatment Works and these should be completed by mid 2006. A condition will be attached to ensure that no house is occupied until a satisfactory sewerage scheme is in place.

4.4 **SEPA** reiterated the concerns of Scottish Water with regard to the sewerage and requested that the drainage was designed in accordance with sustainable urban drainage principles.

Response – Noted, and as stated above, conditions will be attached to any consent issued to ensure an appropriate drainage scheme.

4.5 **Scottish Power** raised no objections to the proposal.

Response – Noted.

4.6 **TRANSCO** raised no objections to the proposal.

Response – Noted.

4.7 **SLC Community Resources** initially objected to the planning application on the basis that the woodland area was included in the Council's woodland management programme. However following further assessment, the area was considered to be in poor condition and that the reinvestment of a proportion of the capital receipt from the sale would allow the significant enhancement of the woodland management programme. A report was presented to the Community Resources Committee on 5 April 2005, declaring the land surplus.

Response – Noted.

5 Representation(s)

5.1 Following statutory neighbour notification and advertising the proposal as Development Potentially Contrary to Development Plan in East Kilbride News, eleven letters of objection were received. The points raised are summarised below.

- (a) The proposal will increase the volume of traffic on both Marlborough Park and Egmont Park. These are narrow streets without pavements. In addition Egmont Park is too narrow for construction traffic. The parking provision is insufficient for the development. Each house has four or more bedrooms and therefore at least two cars.

Response – The proposed development will result in the provision of four additional dwellings being constructed. Roads and Transportation Services have raised no objections in terms of the volume of traffic using either Marlborough Park or Egmont Park. The parking requirement for houses of this size (four or more bedrooms) is three parking spaces per dwelling. These have been provided within each plot.

- (b) The proposal is contrary to the development plan.
Response – Agreed. Part of the site is designated as open space and the proposal for residential development is contrary to this. A full discussion of the proposal against local plan policy is contained in Section 6 below.
- (c) The proposal would change the character of the area both in terms of the design of the houses and the loss of woodland. The houses in Egmont Park are individually designed and the balance would be changed from five individual dwellings to four individual dwellings and five new dwellings. The removal of the woodland would also change the character of the area.
Response – The dwellings in Egmont Park are individually designed and finished in a variety of materials. The proposed dwellings will be finished in quality materials and whilst the character of Egmont Park may change given the additional dwellings, I am satisfied that a quality development will be achieved. With regard to the woodland, any capital receipt would be partly used to reinvest in the woodland in the adjacent area.
- (d) The development will be constructed on land designated as open space and which was due to be replanted with native, broadleaved species.
Response – The existing trees were due to be felled and replanted as part of a Council wide woodland management programme. Community Resources have confirmed that the scheme of planting would be carried out in the adjacent area.
- (e) The development encroaches onto land owned by 7 Egmont Park.
Response – The initial submission showed this land included within the application site. This error has now been rectified.
- (f) The local plan states that the Council will presume against the subdivision of gardens, providing additional plots for the development of housing. The developers intend to build two houses within the existing plot.
Response – The local plan sets out criteria against which any application for the subdivision of garden ground must be assessed. The proposed development does not constitute the straight subdivision of an existing plot but the demolition of a dwelling and the addition of land which together form a larger development site. A full discussion of the proposal against the adopted East Kilbride Local Plan is contained in Section 6 below.
- (g) The proposal cannot be permitted until the upgrade of Philipshill Wastewater Treatment Works have been completed as no connection can be made to the public sewer until this time. Egmont Park cannot accommodate a sewerage lorry, should interim arrangements involving septic tanks be required.
Response – The upgrade to Philipshill Wastewater Treatment Works is due to be completed by mid 2006. A condition will be attached to any consent to ensure that a satisfactory sewerage scheme is in place prior to the occupation of any dwellings.

6 Assessment and Conclusions

- 6.1 The applicant has applied for detailed permission to demolish the existing detached dwelling at 6 Egmont Park and erect five dwellings. The application site includes the residential plot at 6 Egmont Park together with an area of adjacent woodland. Two house types will be erected and the site will utilise a shared, monoblocked access with each property having its own driveway and detached garage.

- 6.2** The woodland area which forms part of the site is currently owned by the Council. The trees within this area are due to be felled and the area replanted with native species as part of Community Resources' ongoing woodland management programme. The area of woodland which forms part of the application site is a small part of the larger woodland area. The part of the application site owned by the Council was declared surplus due to its poor condition however it was agreed that any capital receipt gained from the sale of the area would partially be reinvested in a replanting scheme adjacent to the site.
- 6.3** The proposal can be assessed against the policies contained in the adopted East Kilbride and District Local Plan. The site is partially designated as residential and partly as open space. These designations reflect the existing uses of each part of the site. Development of housing is acceptable within the plot of 6 Egmont Park given its zoning as residential. The development of housing within the woodland area is contrary to the local plan as this area is zoned as open space.
- 6.4** In relation to the woodland area, the relevant local plan policies are LR1, LR2 and LR3. Policy LR1 refers to indoor/outdoor recreation facilities and states that the Council will protect these facilities and generally support the provision of new facilities where there are no other land use implications. The Council will only support the loss of such facilities where it can be demonstrated that participation levels and public enjoyment would be unaffected, a replacement facility of comparable quality and accessibility is to be provided in the locality or there is a clear long term surplus in provision.
- 6.5** Policy LR2 refers to Public Parks/Open Space and states that the Council recognises the importance of, and will seek to enhance, both private and public open space/community facilities within the area. Again the loss of such facilities will only be supported where it can be demonstrated that participation levels and public enjoyment would be unaffected, a replacement facility of comparable quality and accessibility is to be provided in the locality or there is a clear long term surplus in provision. The above policies relate mainly to leisure facilities rather than resources such as woodland however in assessing the proposal against both policies, I would state that the trees were due to be felled and replanted within the application site. Community Resources have declared the land surplus to requirements and have confirmed that any capital receipt gained from the sale of the land will partly be used to plant the adjacent area with native species. With regard to Policies LR1 and LR2, the loss of the woodland within the application site will be offset with a replacement planting scheme in the area adjacent to the development which will reinforce the woodland resource in this area and link in to the Council's woodland management programme. I am therefore satisfied that a replacement scheme will be implemented which will reinforce and maintain a similar level of cover to the existing woodland.
- 6.6** Policy LR3 – Environment states that the Council will, where feasible, create and manage natural habitats on recreation grounds and open space. As stated above, the trees are due to be felled and replaced however Community Resources intend to plant the area adjacent to the application site with native species, should this area be developed.

- 6.7** In terms of the loss of trees, I am satisfied that there will be no overall loss of trees and no loss of character, given that the trees were to be felled and replanted, the tree cover would have been removed from this area. New planting will still take place south of the existing tree belt. In time this will mature to give the same level of cover at the end of the cul-de-sac.
- 6.8** Policy SLP6 – Development Control 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 is to erect five dwellings at the end of a residential street. The existing dwellings in Egmont Park are individually designed dwellings and the proposal is for two house types. I am satisfied that the materials used will be of a high quality and will sit well with the adjacent dwellings.
- 6.9** As the adjacent woodland is currently owned by the Council, the disposal of this land was advertised under The Town and Country Planning (Scotland) Act 1959. Eight letters were received in response to this advert. The points raised were similar to those received in respect of the planning application and these have been discussed fully in the main body of the report. A report recommending the sale of the site adjacent to 6 Egmont Park was considered by the Estates Committee on 23 August 2005.
- 6.10** Given the above, I would raise no objections to the proposal and would therefore recommend that planning permission is granted, contrary to the provisions of the adopted East Kilbride & District Local Plan for the following reasons.
- 1 The proposal complies with Policy SLP6 of the adopted East Kilbride & District Local Plan and the Council's Residential Development Guide.
 - 2 The trees removed from the woodland part of the site will be replaced by additional planting adjacent to the application site.
 - 3 The proposal complies with Policies LR1 and LR2 of the adopted East Kilbride & District Local Plan in that the wider woodland resource will be reinforced and enhanced to provide a similar level of cover to the existing woodland.

Iain Urquhart,
Executive Director (Enterprise Resources)

23 August 2005

Previous References
None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

► Consultations	
Scottish Water	21/02/05
Roads and Transportation Services (East Kilbride)	17/01/05
TRANSCO (Plant Location)	18/01/05
S.E.P.A. (West Region)	03/02/05
Roads & Transportation Services H.Q. (Flooding)	08/02/05
Public Protection - Environmental Health (East Kilbride)	28/01/05
Power Systems	24/01/05

► Representations	
Representation from :	Mr & Mrs William Anderson , 4 Egmont Park East Kilbride, G75 8PT, DATED 22/02/05
Representation from :	Mrs Barbara G. Wilson, 5 Marlborough Park East Kilbride, G75 8PS, DATED 09/03/05
Representation from :	David & Gail Brown, 5 Egmont Park East Kilbride, G75 8PT, DATED 21/01/05
Representation from :	Councillor David Watson, Council Offices Almada Street, Hamilton ML3 0AA, DATED 03/02/05
Representation from :	Mr & Mrs J Hanlon, 3 Egmont Park East Kilbride, G75 8PT, DATED 27/01/05
Representation from :	Mrs Irene Kerr, Aarton 4 Marlborough Park, Newlandsmuir East Kilbride, G75 8PS, DATED 10/02/05
Representation from :	Mr & Mrs William A Anderson, 4 Egmont Park East Kilbride, G75 8PT, DATED 25/01/05
Representation from :	Barbara G Wilson, 5 Marlborough Park East Kilbride, G75 8PS, DATED 26/01/05
Representation from :	H Burns, 7 Egmont Park East Kilbride, G75 8PT, DATED 02/02/05
Representation from :	Douglas Macrae, 5 Devonport Park East Kilbride, G75 8PU, DATED 02/02/05
Representation from :	Elaine Hamilton , 11 Burnside Avenue Kirkintilloch, Glasgow, G66 1ES, DATED 04/08/05

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

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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 on the site shall be lopped, topped or felled without the prior written consent of the Council as Planning Authority and that two copies of a plan shall be submitted to the Council indicating the existing trees on the site, including a note of height, species, base level and extent of canopy or branch spread, those to be retained and any proposed planting of trees and that no work on the site shall be commenced until the permission of the Council has been granted for these proposals or such other proposals as may be acceptable.
- 5 That within three 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.
- 6 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.
- 7 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.
- 8 That before any of the dwellinghouses situated on the site upon which a fence or wall 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. 7 above, shall be erected and thereafter maintained to the satisfaction of the Council.

- 9 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 development shall take place within the curtilage of the application site other than that expressly authorised by this permission without the prior written consent of the Council as Planning Authority.
- 10 That the use of the garages hereby permitted shall be restricted to private use incidental to the enjoyment of the dwellinghouse on the site and no commercial activity shall be carried out in or from the garages.
- 11 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.
- 12 That before the dwelling hereby approved is completed or 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.
- 13 That before any dwelling hereby approved is completed or brought into use, a turning space shall be provided within the plot to enable vehicles to enter and leave the application site in forward gears at all times.
- 14 That before the development hereby approved is completed or brought into use, a two metre wide footway shall be constructed along the frontage of the site to the specification and satisfaction of the Council as Roads and Planning Authority.
- 15 That no dwellinghouse shall be occupied until the access roads and footpaths leading thereto from the existing public road have been constructed in accordance with the specification of and to the satisfaction of the Council as Roads and Planning Authority.
- 16 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.
- 17 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.
- 18 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.
- 19 That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, a change of use of any garage (whether integral or detached) to living accommodation associated with the dwellinghouse on the plot shall be subject to a further planning application to the Council as Planning Authority.
- 20 That there shall be no burning of materials on the site at any time.

- 21 That no development will commence until details of the surface water drainage arrangements have been submitted to and approved, in writing, by the Council as Planning Authority: such drainage systems will require to comply with the principles of sustainable urban drainage systems and shall be implemented to the satisfaction of the Council.

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 and to retain effective planning control.
- 5 In the interests of the visual amenity of the area.
- 6 In the interests of amenity.
- 7 These details have not been submitted or approved.
- 8 In order to retain effective planning control
- 9 In order to retain effective planning control.
- 10 To retain effective planning control and safeguard the amenity of the area.
- 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 To ensure satisfactory vehicular and pedestrian access facilities to the dwellings
- 16 In the interest of public safety
- 17 In order to retain effective planning control
- 18 To ensure the provision of a satisfactory sewerage system
- 19 In order to retain effective planning control
- 20 To safeguard the amenity of the area.
- 21 To ensure the provision of a satisfactory land drainage system

For information only

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