

Report

Report to:	Planning Committee
Date of Meeting:	30 April 2024
Report by:	Executive Director (Community and Enterprise Resources)

Reference no:	P/21/1590
Proposal:	Erection of 14no. dwellings with associated landscaping and roads (amendment to EK/17/0021)
Site Address:	Land at Newlands Dairy East Kilbride
Applicant:	KR Clyde Valley Six Ltd
Agent:	Kingston Residential Investments Ltd
Ward:	06 East Kilbride South
Application Type:	Full Planning Permission
Advert Type:	Schedule 2: East Kilbride News 20 October 2021
Development Plan Compliance:	No
Departures:	N/A
Recommendation:	Refuse
Legal Agreement:	N/A
Direction to Scottish Ministers	N/A

1. Reason for Report

- 1.1. The application needs to be determined by the Planning Committee as it relates to an application for 14 houses and is therefore affected by Clause 16(b) of the Scheme of Delegation Approved by South Lanarkshire Council in May 2022.

2. Site Description

- 2.1. The application site relates to former agricultural land located to the south of East Kilbride extending to approximately 0.9 hectares and was previously part of the former Newlands Dairy. It is designated as housing land within the adopted South Lanarkshire Local Development Plan 2.
- 2.2. The land is generally flat and contains a number of trees around the perimeter of the site. There is an embankment containing trees to the north, sloping down towards an existing residential development. There are also residential developments to the south and east of the site, and agricultural land to the west. The site sits at an elevated position in comparison to the properties to the north and east and has an informal access via a strip of land between 16 and 18 Kingston Crescent.

3. Description of Proposed Development

- 3.1. Full planning permission is sought for the erection of 14 dwellings with associated landscaping and roads. At the time of submission, this was an amendment to application EK/17/0021 which was for 10 dwellings. The previous consent has now expired and there is no current consent for the site.
- 3.2. The dwellings proposed under this application would comprise of two storey detached properties across four different house types. The dwellings would each be finished in a mix of modern materials with some plots including single garages. Access to the site would require the formalisation of the land between 16 and 18 Kingston Crescent to form a road linking it into Kingston Crescent. The proposal includes an access road, parking, landscaping and underground pumping stations as the proposed method of drainage. A small number of trees would require to be removed as part of this proposal.

4. Relevant Planning History

- 4.1. A planning application for the erection of 13 dwellings at the site was submitted under application number EK/14/0121, though subsequently withdrawn. An application for 10 dwellings was approved at the site in 2017 under EK/17/0021. This consent has never been implemented.

5. Supporting Information

The following information was submitted by the applicant in support of the application:-

- 5.1. Supporting statement - outlines the site context, layout, design, access and drainage of the proposed development.
- 5.2. Drainage strategy report - outlines the proposed drainage management for the proposed development.
- 5.3. Flood risk assessment - reports on the surface water risk to the site access and considers the risk of flooding from other sources.
- 5.4. Noise impact assessment – reports on the noise impact of the proposed underground pumping stations.

6. Consultations

- 6.1. Environmental Services (ES) - recommended the provision of a noise assessment to establish the expected noise levels of the proposed pumping stations, and any impacts on adjacent properties. A report was subsequently provided by an acoustic consultancy on behalf of the applicant. Following review, ES have confirmed there is insufficient information within the report in terms of performance data for the sound pressure or sound power levels for the pumps. It contains no details of mitigation should maximum levels be exceeded. Given this, ES would not support the proposed pumping stations.
Response: Noted.
- 6.2. Roads and Transportation Services (Development Management) – requested additional information in relation to visibility splays, dropped kerbs, drainage apparatus, gradients, traffic calming, turning space and parking.
Response: This information was requested from the applicant, however, has not been provided.
- 6.3. Roads and Transportation Services (Flood Risk Management) - consider the proposed pumping stations to be unacceptable and therefore recommend deferral of the application until a suitable method of drainage is provided.
Response: This information was requested from the applicant, however, has never been provided.
- 6.4. Scottish Water - No initial objections to the proposal, however, require the applicant to submit further details for review.
Response: Noted.
- 6.5. SP Energy Networks – no objections.
Response: Noted.

7. Representations

- 7.1. Following the statutory period of neighbour notification and advertisement, a total of 27 representations have been received (19 objections, 1 support, 7 comments). The issues raised are summarised as follows:-
- ◆ Overlooking/loss of privacy
 - ◆ Loss of light/overshadowing
 - ◆ Loss of view
 - ◆ Damage to private property
 - ◆ Drainage/flooding
 - ◆ Nature conservation
 - ◆ Noise and disturbance during construction
 - ◆ Overdevelopment of site
 - ◆ Road layout/unsuitable access
 - ◆ Road safety/congestion
 - ◆ Insufficient parking
 - ◆ Increased traffic/construction traffic
 - ◆ Odours/dust/pollution
 - ◆ Noise from the proposed pumping stations
 - ◆ Maintenance of proposed pumping stations

The above issues will be considered in the assessment below and full copies are available to view on the planning portal.

8. Development Plan

8.1. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2. National Planning Framework 4

National Planning Framework 4 (NPF4) is Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments, and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places, and productive places.

National Planning Framework 4 Policies

- ◆ Policy 1 - Tackling the climate and nature crises
- ◆ Policy 2 - Climate mitigation and adaptation
- ◆ Policy 3 – Biodiversity
- ◆ Policy 13 – Sustainable transport
- ◆ Policy 14 - Design, quality and place
- ◆ Policy 15 - Local living and 20-minute neighbourhoods
- ◆ Policy 16 – Quality homes
- ◆ Policy 22 - Flood risk and water management

8.3. South Lanarkshire Local Development Plan 2 (2021)

For the purposes of determining planning applications the Council will also assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan (SLLDP2). In this regard the application site and associated proposals are affected by the following policies:-

SLLDP2 Volume 1 Policies

- ◆ Policy 1 – Spatial Strategy
- ◆ Policy 2 - Climate Change
- ◆ Policy 3 - General Urban Areas and Settlements
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 11 - Housing
- ◆ Policy 15 - Travel and Transport
- ◆ Policy 16 - Water Environment and Flooding

SLLDP2 Volume 2 Policies

- ◆ Policy DM1 - New Development Design
- ◆ Policy DM20 – Supporting Information
- ◆ Policy SDCC2 - Flood Risk
- ◆ Policy SDCC3 - Sustainable Drainage Systems

South Lanarkshire Council (SLC) Supporting Planning Guidance

- ◆ Residential Design Guide (2011)

9. Guidance

9.1. None applicable.

10. Assessment and Discussion

10.1. Introduction

Full planning permission is sought for the erection of 14 dwellings with associated landscaping and roads (amendment to EK/17/0021) on land at Newlands Dairy, East Kilbride. The main issues to be addressed in the determination of this application include the acceptability in principle of the proposed development, its layout, siting and

design, and the assessment of technical matters. The policies contained within National Planning Framework 4 and the South Lanarkshire Local Development Plan 2 are the main consideration in this case, together with an assessment of any other material planning considerations.

10.2. Principle of Development

The site is located on agricultural land within the settlement boundary and on land allocated as a housing site within the adopted South Lanarkshire Local Development Plan 2. As such, the principle of residential development at the site may still be acceptable, provided the details of any submission complies with all other relevant policies of the development plan.

10.3. Residential developments are generally supported by Policies 1 – Spatial Strategy, 3 – General Urban Areas and Settlements, and 5 – Development Management and Placemaking of SLLDP2 as they direct development to allocated sites within the settlement boundary. Policy 16 of NPF4 – Quality Homes, also aims to encourage promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations. SLLDP2 Policy 11 – Housing supports housing developments on identified sites, subject to the proposals according with the other relevant polices in the development plan.

10.4. Climate Change

Policy 1 – Tackling the climate and nature crises and Policy 2 – Climate mitigation of NPF4, along with Policy 2 of SLLDP2, seek to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis, and which minimises emissions and adapts to the current and future impacts of climate change. In this case, development is located within the settlement boundary and close to public transport links for access to local amenities. The proposal is generally consistent with these policies.

10.5. Biodiversity

NPF4 Policy 3 – Biodiversity, aims to protect and reverse biodiversity loss, deliver positive effects from development, and strengthen nature networks. Objections received in respect of the proposal have referred to existing wildlife on the site and the impact of the proposal on them. A biodiversity statement taking into account the ecology of the site has not been provided as part of the application submission. Subsequently, the proposal cannot be considered as being compliant with Policy 3 of NPF4.

10.6. Layout, Siting and Design

NPF4 Policy 14 - Design, Quality and Place aims to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle. Policy 5 – Development Management and Placemaking of SLLDP2 advises that to ensure development takes account of the principles of sustainable development, all proposals require to be well designed and integrated with the local area. Proposals should have no significant adverse impacts on the local community and the environment. Where appropriate, proposals should include measures to enhance the environment. Policy DM1 – New Development Design of SLLDP2 also requires development to promote quality and sustainability in design and layout. Policy DM20 - Supporting Information also from SLLDP2, requires that all applications must be accompanied by sufficient information and supporting documents to enable the Council to fully consider the potential impact of development.

- 10.7. The development is proposed within an area designated for residential development under SLLDP2. This proposal would see the reconfiguration of the site to create an additional 4 plots. Objections received in respect of the proposal have raised concerns in relation to overlooking, loss of privacy, overshadowing, overdevelopment, loss of view and damage to property.
- 10.8. Having considered the proposal in terms of the above policies and the Council's Residential Design Guide, the development is considered to provide a range of housetypes with an acceptable layout, plot sizes, garden depths, window to window distances and finishes. Due to the positioning of windows, distances from existing properties, and proposed garden depths, it is not considered there would be a significant impact on adjacent properties. As the development provides sizeable plots, it is not considered to be overdevelopment. Loss of view and potential damage to property are not valid planning considerations.
- 10.9. Following consultation with the Council's Flood Risk Management service, a number of issues have been raised in relation to the proposed drainage for the site which the applicant has failed to provide further supporting information in respect of. These issues are discussed in more detail below. The lack of information means that the proposal must also be considered contrary to Policy 14 of NPF4, and Policies 5, DM1 and DM20 of SLLDP2.
- 10.10. Technical Matters
NPF4 Policy 22 - Flood Risk and Management aims to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. Policy 16 - Water Environment and Flooding, Policy SDCC2 - Flood Risk and Policy SDCC3 - Sustainable Drainage Systems of SLLDP2 aim to protect and enhance the water environment and reduce flood risk. Developments which have an unacceptable impact on the water environment, result in any increase in the level of flood risk either on the site or elsewhere would be unacceptable.
- 10.11. The application initially proposed a mechanical drainage system including a pumping station to the north-west corner of the site. Following discussion with the Planning Service, the applicant was advised apparatus of this nature would not be adopted by the Council and would require approval from Scottish Water which would need to be demonstrated. The applicant subsequently amended the proposal to remove the mechanical drainage system to the north-west of the site, and instead installed two underground pumping stations (surface water and foul water), to the eastern side of the site adjacent to proposed Plot 4. This was also adjacent to existing residential properties 18 and 20 Kingston Crescent and therefore required re-notification of neighbours. A number of objections have raised concerns in relation to drainage and flooding at the site as well as maintenance of the proposed pumping stations.
- 10.12. The Roads Flood Risk Management Service have confirmed that the proposed surface water pumping station is unacceptable and unsustainable. Details of the long-term maintenance of this has not been provided, and again is not apparatus that the Council would adopt. The location of gullies was also not appropriate, and a suitable method of drainage has not been provided. The proposal is therefore contrary to Policy 22 of NPF4, and Policies 16, SDCC2 and SDCC3 of SLLDP2.

10.13. In terms of road safety and impact on the road network, SLLDP2 Policy 15 – Travel and Transport is applicable and requires all new development proposals to consider the impact of traffic growth. A number of traffic concerns have been raised by objectors to the application in relation to road safety, new access, construction traffic, increased traffic following completion, and insufficient parking for visitors. Whilst Roads Development Management have not raised any concerns in relation to these matters, they have requested the provision of additional information in relation to parking space sizes, provision of EV parking, visibility splays, drainage details, traffic calming, gradients and turning space. As this information has not been provided to date, the proposal must also be considered contrary to Policy 15 of SLLDP2.

10.14. NPF4 Policy 13 - Sustainable Transport also aims to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport or everyday travel and reduce the need to travel unsustainably. Whilst the application site is within the settlement boundary and will be in proximity to transport links, all required information has not been submitted, such as the provision of EV parking within the site. Given this, the proposal must also be considered contrary to Policy 13 of NPF4.

10.15. The Council's Environmental Services were consulted as part of the application process and requested the provision of a noise assessment to determine the impact of noise from the proposed pumping stations. Objections received have also raised concern in relation to noise as a result of the proposed pumping stations. As such, the noise assessment was submitted by the applicant and reviewed, however, as outlined above, contained insufficient information. Objections also raised concern regarding dust, odours, noise, and disturbance during construction. Environmental Services have raised no concerns in relation to dust or odours. It is inevitable there would be some level of disruption to adjacent properties during the period of construction. As this is for a limited period only, it would not be sufficient grounds for refusal. Had the proposal been recommended for approval, any consent issued would have included appropriate advisory notes confirming acceptable construction working hours.

10.16 Conclusion

In conclusion, a full assessment of the proposal against the development plan has been carried out above. There is compliance with some aspects of the development plan, however the applicant has failed to provide a suitable method of drainage, a biodiversity statement, nor have they demonstrated that the proposed pumping stations will not result in unacceptable noise disturbance to existing and new properties. Insufficient information has been submitted in respect of the proposed roads layout for the site. The proposal is therefore contrary to Policies 3, 13, 14 and 22 of the adopted National Planning Framework 4 (2023) and Policies 3, 5, 15, 16, DM1, DM20, SDCC2 and SDCC3 of the adopted South Lanarkshire Local Development Plan 2 (2021). It is recommended that planning permission be refused.

11. **Recommendation and Reasons**

11.1. The Committee is asked to agree the following recommendation:-

Refuse Full Planning Permission for the reason outlined below:-

01. The applicant has failed to supply sufficient information/adequate plans in respect of vehicular and pedestrian visibility splays, drop kerbs, gradients, traffic calming, turning space, parking and EV charging to allow proper consideration of the proposal. The applicant has also failed to provide an acceptable drainage design, details of biodiversity within the site, or demonstrated that the proposed pumping

stations will not have an unacceptable noise impact on residents. In this regard, the proposal is not deemed to be in accordance with Policies 3, 13, 14 and 22 of the adopted National Planning Framework 4 (2023) and Policies 3, 5, 15, 16, DM1, DM20, SDCC2 and SDCC3 of the adopted South Lanarkshire Local Development Plan 2 (2021).

David Booth
Executive Director (Community and Enterprise Resources)

Date: 22 April 2024

Background Papers

Further information relating to the application can be found online:-

[P/21/1590 | Erection of 14no. dwellings with associated landscaping and roads \(amendment to EK/17/0021\) | Land At Newlands Dairy East Kilbride \(southlanarkshire.gov.uk\)](#)

Corporate Considerations

The report raises no impacts or risks in terms of equalities or financial implications. Any implications in terms of climate change, sustainability or the environment will have been considered above in terms of the relevant national and local policies.

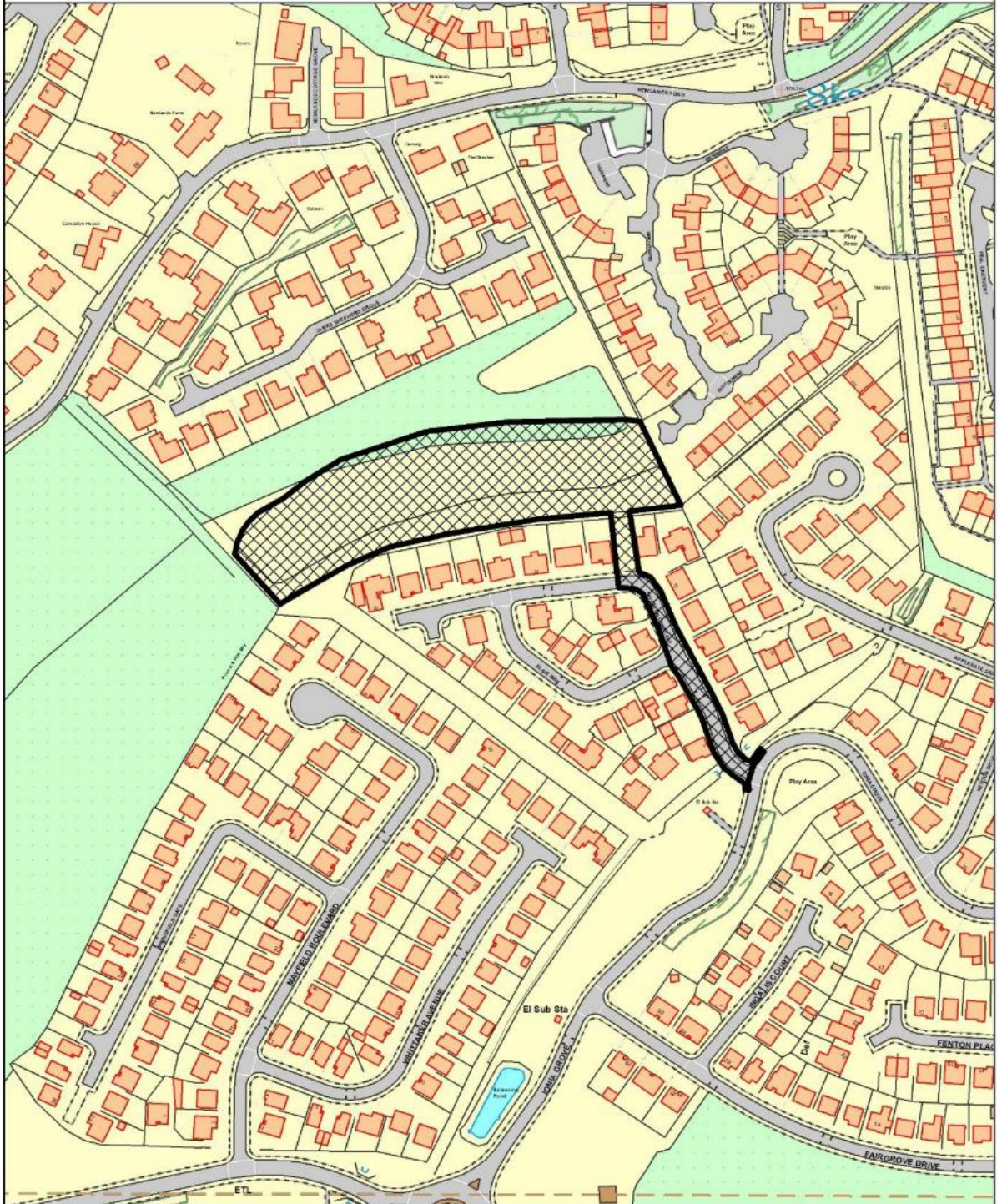
Contact for Further Information

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

Tel: 01698 454867

E-mail: planning@southlanarkshire.gov.uk

P/21/1590 Land at Newlands Dairy, East Kilbride



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Scale:
1:2,500
Date:
21/03/2024



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