

Report to: Date of Meeting: Report by:	Planning Committee 8 June 2021 Executive Director (Community and Enterprise Resources)
Application no.	P/21/0310

Planning proposal: Erection of 131 no. dwellings with associated infrastructure and landscaping (approval of matters specified in conditions 1 (a to r), 2, 3, 4, 6, 8, 9, 10, 12 and 16 of EK/09/0218)

1 Summary application information

Application type: Approval of matters specified in conditions

Applicant: Location: Miller Homes Land 120M North of Newlandscroft Jackton Road Jackton Glasgow South Lanarkshire

2 Recommendation(s)

- 2.1 The Committee is asked to approve the following recommendation(s):-
 - (1) Grant matters specified in 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:
 - Council Area/Ward: 06 East Kilbride South
 - Policy Reference(s): South Lanarkshire Local Development Plan 2 (Adopted 2021)

Policy 1 - Spatial Strategy Policy 2 – Climate change Policy 5 – Development Management and Placemaking Policy 7- Community infrastructure assessment Policy 11 – Housing Policy 12 – Affordable housing Policy 13 – Green Network and Greenspace Policy 16 – Water Environment and Flooding Policy DM1 – New Development Design Policy SDCC2 – Flood Risk Policy SDCC3 – Sustainable Drainage Systems

• Representation(s):

►	1	Objection Letters
•	0	Support Letters
►	2	Comment Letters

• Consultation(s):

Environmental Services

Roads Flood Risk Management

Scottish Water

Roads Development Management Team

West of Scotland Archaeology Service

SEPA Flooding

SP Energy Network

Countryside and Greenspace

Jackton and Thorntonhall Community Council

Planning Application Report

1 Application Site

- 1.1 This application relates to a proposed residential development of 131 dwellings on land located within the Community Growth Area (CGA) in East Kilbride. The site lies on the southern edge of the masterplan site approved under EK/09/0218; a Planning Permission in Principle application for a mixed-use development comprising residential, retail and education uses and associated engineering works for site infrastructure, new access and distributor road, formation of open space framework with landscaping work. The application site extends to approximately 4.7 hectares and is allocated as Area 1F (Phase 1) of the overall masterplan site.
- 1.2 The site will be accessed off junctions formed from the new spine road serving the masterplan area. The site will be bounded to the north, south and east by other residential developments within the masterplan site, and to the west by agricultural land. It is noted that there is an existing residential property known as Newlandscroft, off Jackton Road, on the southern side of the site which will be bound on three sides by this development site. The site is primarily grassland used for sheep grazing and contains intact hedgerows to the east and south of the site and a number of trees along the north and western boundaries.

2 Proposal(s)

- 2.1 This application seeks to discharge various conditions imposed on Planning Permission in Principle application EK/09/0218 for the development of East Kilbride Community Growth Area. Condition 1 specifies that all relevant matters such as layout, siting, design, landscaping, drainage etc are submitted to and approved by the Planning Authority. The other conditions to be discharged specify in further detail what information requires to be submitted to deal with the relevant matters listed in Condition 1.
- 2.2 The proposed residential development would be accessed via two vehicular access points from the new spine road. Pedestrian links to further phases of development within the CGA area, to the new spine road and to Jackton Road would also be provided, in line with the principles established in the masterplan. The proposal includes landscaping and a SUDS pond to serve the development. It is noted that the SUDS pond is to the north west of the main application site area. The proposal has been broadly designed in accordance with Designing Streets principles and includes a variety of proposed materials.

3 Background

3.1 Local Plan Status

- 3.1.1 In terms of land use, the site is identified within the South Lanarkshire Local Development Plan 2 (SLLDP2) (Adopted 2021) as forming part of the designated East Kilbride Community Growth Area and is allocated as a Proposed Housing site. As such, the following policies are all relevant to the assessment of this development:-
 - Policy 1 Spatial Strategy
 - Policy 2 Climate change
 - Policy 5 Development Management and Placemaking
 - Policy 7- Community infrastructure assessment
 - Policy 11 Housing
 - Policy 12 Affordable housing
 - Policy 13 Green Network and Greenspace
 - Policy 16 Water Environment and Flooding
 - Policy DM1 New Development Design

- Policy SDCC2 Flood Risk
- Policy SDCC3 Sustainable Drainage Systems

3.2 Relevant Government Advice/Policy

3.2.1 Relevant Government guidance is set out within the consolidated Scottish Planning Policy (SPP) 2014 and National Planning Framework 3 (NPF3). NPF3 aims to facilitate new housing development, particularly in areas where there is continuing pressure for growth. SPP introduces a presumption in favour of development that contributes to sustainable development. In terms of residential development, the SPP advises that the planning system should enable the development of well designed, energy efficient, good quality housing in sustainable locations and allocate a generous supply of land to meet identified housing requirements. The Council must also maintain a five-year supply of effective housing land.

3.3 Planning Background

3.3.1 Planning application EK/09/0218 was originally approved by the Planning Committee in December 2011, subject to the conclusion of a legal agreement to cover matters relating primarily to developer contributions. A revised masterplan was submitted in October 2016 and subsequently approved by the Planning Committee in June 2018, subject to the conclusion of a legal agreement. This legal agreement has now been concluded and registered allowing planning permission EK/09/0218 to be issued in October 2019.

4 Consultation(s)

- 4.1 <u>Roads Development Management section</u> no objections subject to conditions relating to visibility, parking and drainage.
 <u>Response</u>: Noted. Appropriate conditions can be attached to any consent issued.
- 4.2 <u>Roads Flooding section</u> no objections subject to conditions related to the provision of a SUDs drainage system.
 <u>Response</u>: Noted. Appropriate conditions can be attached to any consent issued.
- 4.3 **Environmental Services** no objections subject to conditions and advisory notes being attached in respect of residential waste control, dust mitigation and monitoring and construction noise.

<u>Response</u>: Noted. Appropriate conditions and advisory notes can be attached to any consent issued.

- 4.4 <u>Countryside and Greenspace</u> no response received to date. <u>Response</u>: Noted.
- 4.5 <u>Scottish Water</u> no response received to date. <u>Response</u>: Noted.
- 4.6 **WOSAS** no objections to the proposal as review of the archaeological site investigation provided by the applicant confirmed no significant findings. **Response**: Noted.
- 4.7 <u>SP Energy Networks</u> no objections to the proposal. <u>Response</u>: Noted.

4.8 **SEPA Flooding** – no response received to date. The proposal is consistent with the principles set out in the Masterplan application where SEPA raised no objections. Roads Flood Risk Management Team have assessed the proposal as set out above and raised no objections subject to conditions.

<u>Response</u>: Noted. Appropriate conditions can be attached to any consent issued.

4.9 Jackton and Thorntonhall Community Council – no response received to date. Response: Noted.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken and the proposal was also advertised in the local press for neighbour notification purposes. Following this, three letters of representation have been received, the points of which are summarised below:
 - a) The proposed residential development will overlook the existing property at Newlandscroft resulting in a loss of privacy. It will also result in a loss of light into the existing property.

Response: Whilst it is noted the property at Newlandscroft will be bound on three sides by the proposed development, I am satisfied the proposed properties are sufficient distance from this property to ensure no loss of privacy and no overshadowing. Furthermore, the proposed layout includes a strip of land between the existing dwelling and proposed properties that would be soft landscaped. In addition, there will be a 1.8 metre high timber fence separating the development and the existing property.

b) This development will result in severe noise and disturbance over a long period of time.

<u>Response</u>: It is acknowledged that there will be some level of noise and disruption during construction, however, this is not a valid reason for refusal of the application. Should consent be granted, any decision issued will include advisory notes on acceptable working hours as stipulated by Environmental Services.

c) There is currently a septic tank situated in the field adjacent to Newlandscroft. This appears to be located within the front garden of one of the adjacent properties. The current landowner has responsibility for its upkeep and maintenance, therefore, how will this be maintained if permission is granted?

<u>Response</u>: Miller Homes have checked the title deeds and advised that the owner of Newlandscroft benefits from a Servitude for the property for a septic tank to be located at this position along with the associated pipework. Miller Homes have noted from the site layout that the tank is located within the landscape buffer to be formed near the property owned by Lynch Homes. They have also confirmed having checked the title deeds that the septic tank requires to be maintained by the owner of Newlandscroft. As such, this is a legal matter that the owner of the property will require to discuss with Lynch Homes.

d) The existing property at Newlandscroft has an oil tank for storing fuel. At present, access to this is via the side of the property where the suppliers run the hose over the adjacent field. The plans show screening around the existing property however access to the side of the property needs to be maintained so fuel can continue to be delivered.

<u>Response</u>: As noted above, Miller Homes have reviewed the title deeds and confirmed there is no right of access specified for the owner of Newlandscroft to utilise any part of the site for the delivery of fuel. They have suggested that

any agreement to date has been informal and will require to be addressed through a separate legal agreement between the parties involved.

e) There are plans to connect an underground electric cable to the property at Newlandscroft. The cable is to be laid in the area of the current sewer drainage to the septic tank. Any contractors need to be made aware of this.

<u>Response</u>: Whilst not a Planning matter, this information has been passed to Miller Homes for information.

f) The applicant should ensure that all wildlife, flora and fauna that may be on the site are given full protection under current legislation. The applicant, developer and contractors must all be made aware of their responsibilities.

<u>Response</u>: The applicant has submitted an ecological constraints survey of the site which also included a preliminary roost assessment for bats. It was concluded that the site has suitability for bats, badgers and nesting birds and as such the findings of this report include a number of recommendations that should be carried out should permission be granted. As such, an appropriate condition can be attached to any consent issued.

g) There should be a footpath linking the development and the country lane beyond at plots 20 and 43. Plots 109 and 111 have no footpath link to the main road.

Response: As part of the masterplan to the site, a pedestrian path link behind plots 45 to 56 will be implemented to form a link between the spine road and Jackton Road. It is noted that since the initial submission, the site layout has been reconfigured and an additional link put in adjacent to plots 45 and 46. In addition, there is a proposed link to the adjacent housing site on the opposite side of the development next to plots 10 and 13. As such, it is considered adequate pedestrian links have been provided.

h) Plots 14-20 are very car dominated, Plots 124 to125 are cut off from the rest of the street scene, Plots 59, 60 and 62 have no direct link to the adjacent bus stop.

Response: Plots 14 to 20 are terraced dwellings therefore parking laid out in this manner to serve these properties is considered acceptable. Plots 124 to 125 are located off their own access which is considered acceptable. There is no requirement for plots 59, 60 and 62 to have a direct access to the adjacent bus stop.

5.2 These letters are available for inspection on the planning portal.

6 Assessment and Conclusions

6.1 Miller Homes seek consent for the erection of 131 dwellings with associated infrastructure and landscaping on land forming part of the East Kilbride Community Growth Area (CGA). As detailed above, the site benefits from Planning Permission in Principle EK/09/0218, therefore, the principle of the development, including access from the new spine road, has already been established and this assessment relates to the details of the housing layout and associated works. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that all planning applications are determined in accordance with the development plan, unless other material considerations indicate otherwise. Therefore, the determining issue in the assessment of this proposal is its compliance with local development plan policy and any other material considerations.

- 6.2 In this case, the Adopted South Lanarkshire Local Development Plan 2 (2021) identifies the site as being within a community growth area as defined by Policy 1 Spatial Strategy. The site is also allocated as proposed housing land (Policy 11 Housing) to reflect the designation of the CGA. Therefore, in general land use and policy terms, the principle of the development is acceptable.
- 6.3 In respect of Policy 7 Community Infrastructure Assessment, it is noted that the legal agreement associated with planning permission EK/09/0218 sets out the requirement for developer contributions applicable to this site to cover infrastructure impacts associated with education, roads and transportation, affordable housing and community facilities. The proposed development under consideration does not include any on-site affordable housing provision, however, the provision of affordable housing associated with the CGA has been dealt with as part of the approved masterplan and the legal agreement associated with EK/09/0218. This approach has been agreed with Housing Services and, as such, the proposal is considered to be in accordance with Policy 12 Affordable Housing of the SLLDP2.
- 6.4 Policy 5 Development Management and Placemaking advises that to ensure all developments take account of the principles of sustainable development, all proposals require to be well designed and integrated with the local area. Policy 2 Climate Change also seeks to ensure that developments seek to minimise and mitigate against the effects of climate change and that development does not result in any significant environmental or amenity impacts. Policy DM1 New Development Design also requires development to promote quality and sustainability in design and layout. The Council's Residential Development Guide (RDG) (2011) is also relevant and provides guidance on the design and layout of new housing developments.
- 6.5 As such, the application for 131 dwellinghouses with associated works will include a mix of 14 no. house types consisting of 3, 4 and 5 bed detached and terraced properties served by two accesses from the new spine road. In terms of the policies above and the Council's RDG, the proposed mix of house types, materials, size of properties and development layout are considered to be acceptable and in compliance with the principles of the approved masterplan. Furthermore, the plots can meet the requirements in terms of window to window distances, plot ratio and parking requirements of the RDG. In addition, it is considered that the proposed development would integrate with other residential developments in the vicinity and would not result in any adverse visual or landscape impacts.
- 6.6 In terms of road safety impacts, the site layout has been designed to ensure the parking and access specifications are in compliance with the Council's standards and to ensure adequate pedestrian connectivity is provided throughout the development with access to adjacent developments in accordance with the masterplan. As such, the Council's Roads and Transportation Development Management section have confirmed their satisfaction with the layout subject to the attachment of conditions. In terms of flood risk and impact on the water environment (Policy 16 Water Environment and Flooding) the proposal includes sustainable drainage features. In this regard, it is noted that no objections have been received from the Council's Roads Flood Risk Management team subject to the attachment of conditions. Should permission be granted appropriate Roads conditions would be attached to the consent issued.
- 6.7 The application site also lies partially in an area designated as green network, where Policy 13 - Green Network and Greenspace applies. This policy seeks to safeguard the local green network and identify opportunities for enhancement and/or extension to contribute towards objectives including promoting active travel, placemaking and

supporting biodiversity. In this regard, it is noted that the majority of the proposed development will be on agricultural grazing land, with tree loss minimised primarily to field boundaries. Whilst there is no designated open space / plays areas within the application site boundary, the site adjoins an area that will have both these facilities. Furthermore, the site is not far from the large centrally located greenspace approved as part of the overall masterplan layout. As such, it is considered that the proposal would not result in a significant loss of green network land and that access to a connected green network would be available for residents, in compliance with Policy 13 of the LDP2.

- 6.8 As part of the application submission, the applicant has provided an ecological constraints survey of the site which included a preliminary bat roost assessment. It was concluded that the site has suitability for bats, badgers and nesting birds, therefore, the findings of this report include a number of recommendations that should be carried out should permission be granted. As such, an appropriate condition would be attached to any consent issued.
- 6.9 In conclusion, the principle of residential development of this site is supported by the appropriate local plan policies and the existing Planning Permission in Principle associated with the site. The proposal will have no adverse impacts on amenity, road safety, or environmental impacts and as such it is considered the proposal complies with Policies 1, 2, 5, 7, 11, 12, 13 and 16 of the Adopted South Lanarkshire Local Development Plan 2 (2021), as detailed above. It is, therefore, recommended that the relevant conditions outlined above can be discharged, subject to the additional conditions listed.

7 Reasons for Decision

7.1 The proposal would have no significant adverse impact on amenity, public safety or the local environment and complies with the provisions of Policies 1, 2, 5, 7, 11, 12, 13, 16 and DM1 of the South Lanarkshire Local Development Plan 2 (Adopted 2021).

Michael McGlynn Executive Director (Community and Enterprise Resources)

Date: 28 May 2021

Previous References

None

List of Background Papers

- Application form
- Application plans
- South Lanarkshire Local Development Plan 2 (adopted 2021)
- Neighbour notification letter dated 07.04.2021
- Consultations

Environmental Services

05.05.2021

Roads Flood Risk Management

Scottish Water

	Roads Development Management Team		
	West of Scotland Archaeology Service	19.04.2021	
	SEPA Flooding		
	SP Energy Network	14.04.2021	
	Countryside and Greenspace		
Representations		Dated:	
	Mr J E Allan, 94 Franklin Place, Westwood, East Kilbride, G75 8LS	28.04.2021	
	Ms Lynn Reid, 82 Glen Tennet, East Kilbride, Glasgow, South Lanarkshire, G74 3UY	20.04.2021	
	Mr Robert Stevenson, Newlandscroft, Jackton, East Kilbride, Glasgow, G75 8RR	27.04.2021	
Contact for further information If you would like to inspect the background papers or want further information, please			

If you wo contact:-

Julie Pepper, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB Phone: 01698 455046 Email: julie.pepper@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/21/0310

Conditions and reasons

01. 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: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

02. 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.

Reason: In the interests of the visual amenity of the area.

03. That before any of the dwellinghouses hereby approved are occupied, the approved details for the storage and collection of refuse within the development shall be provided in accordance with the approved scheme and thereafter maintained to the satisfaction of the Council as Planning Authority.

Reason: To ensure that adequate refuse arrangements are provided.

04. Prior to development commencing on site, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.

Reason: To minimise the risk of nuisance from dust to nearby occupants.

05. Prior to development commencing on site, a dust management and monitoring scheme shall be submitted to and approved in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority. Monitoring results shall be readily available to Officers of the Council investigating adverse comments.

Reason: To minimise the risk of nuisance from dust to nearby occupants.

06. That no development shall commence until details of surface water drainage arrangements (including provision of a flood risk assessment, drainage assessment and maintenance responsibilities) 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 requirements (Appendices 1,2,3,4 & 5).

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 onsite and off-site flooding.

07. That the development hereby approved shall not commence until surface water drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority, under the terms of Condition 6 above.

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 recommendations and procedures set out in the Ecological Constraints Survey & Preliminary Bat Roost Assessment submitted in support of the proposed development, produced by Wild Surveys Ltd and dated 25 March 2021 shall be adhered to at all times on site to the satisfaction of the Council as Planning Authority.

Reason: To ensure the appropriate protection and management of species within the site.

09. Prior to commencement of the development hereby approved, details of measures to facilitate the provision of full fibre broadband to serve the development, including details of appropriate digital infrastructure and a timescale for implementation, shall be submitted to and approved in writing by the Council as Planning Authority, unless otherwise agreed in writing with the applicant. The approved measures shall thereafter be carried out in accordance with the agreed implementation timescale.

Reason: To ensure the provision of digital infrastructure to serve the development.

- 10. That before any work commences on the site, a scheme of landscaping for the area shaded green bounding the existing property known as Newlandscroft, 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: To ensure the appropriate provision of landscaping at this part of the site.

11. That, before the development hereby approved is completed or brought into use, at all road junctions 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 interests of traffic and public safety.

12. That, before the development hereby approved is completed or brought into use, at all driveway accesses a visibility splay of 2 metres by 20 metres measured from the road channel shall be provided on both sides of the vehicular access if traffic calming features are provided, otherwise a visibility splay of 2 metres by 35 metres will be required, 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 interests of traffic and public safety.

13. That, before the development hereby approved is completed or brought into use, at all driveway accesses a pedestrian 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 0.9 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 interests of public safety.

14. That, before any dwellinghouse hereby approved is completed or brought into use, the parking spaces associated with the dwellinghouse shall be put in place to the specification and satisfaction of the Council as Roads and Planning Authority in accordance with the approved plans and shall thereafter be maintained to the satisfaction of the Council.

Reason: In the interests of road safety.

15. That, before any dwellinghouse within the development hereby approved is completed or brought into use, the first two metres of the associated driveway shall be surfaced, trapped and sealed to prevent any deleterious material or water from leaving the carriageway and entering the driveway, to the satisfaction of the Council as Roads and Planning Authority.

Reason: In the interests of road safety.

16. The gradient of any driveway hereby approved shall not exceed 10%.

Reason: In the interests of road safety.

17. That, unless otherwise agreed in writing with the Council as Planning Authority, provision shall be made for electrical charging points within the development for motor vehicles and mobility scooters. Prior to any works commencing on site details of the proposed arrangements shall be submitted and agreed in writing with the Council as Planning Authority. Thereafter the scheme shall be implemented and maintained to the satisfaction of the Council as Planning Authority.

Reason: To ensure the provision of appropriate facilities on site.

18. That prior to any works associated with the construction of the development commencing, a Construction Traffic Management Plan shall be submitted to the Council as Roads and Planning Authority for approval. This shall include:-

- 1. A programme for starting on site.
- 2. All construction vehicles associated with this development should access the site from the new spine road.
- 3. Details of wheel washing/ road cleaning regime to ensure mud and debris is not deposited on the public road.
- 4. A plan showing that all vehicles should be able to access and exit the site in forward gears, therefore a turning area must be provided.
- 5. A plan showing the turning area and location and number of spaces for site staff / operatives

Reason: In the interests of traffic and public safety.

19. 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.

20. That unless otherwise agreed in writing with the Planning Authority, all construction vehicles associated with the development hereby approved shall access the site from the spine road only.

Reason: In the interests of road safety.

21. That, prior to the occupation of any of plots 11 to 13, 44 to 46 and 56 to 58 of the development as shown on the approved plans, a remote footpath link to the satisfaction of the Planning Authority from the proposed development to the site boundary shall be provided in accordance with the details shown on the approved drawings.

Reason: In the interests of public safety.

