

Report

Report to:	Planning Committee
Date of Meeting:	5 October 2021
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/21/0613
Planning proposal:	Re-profiling of Existing Ground Levels to Facilitate Future Residential Development, Including Associated Retaining Walls, Construction of New Residential Access Road and SUDS Basin (Approval of Matters Specified in Condition 1 (A, C, F and M) of Planning Application EK/09/0218)

1 Summary application information

- Application type: Approval of matters specified in conditions
- Applicant: CALA Management Limited / John Lynch (Builders) Limited
- Location: Land 250M East of Easter House
Jackton Road
Jackton
East Kilbride

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: Fraser Dick
- ◆ Council Area/Ward: 09 East Kilbride West
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2**
Policy 1 Strategy
Policy 2 Climate change
Policy 5 Development Management and Placemaking
Policy 11 Housing Land
Policy 13 Green Network and Greenspace
Policy 16 Water Environment and Flooding
Policy SDCC2 Flood Risk
Policy SDCC3 Sustainable Drainage Systems
Policy DM1 New Development Design
Policy NHE20 Biodiversity

◆ **Representation(s):**

▶	0	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

Arboricultural Services

Roads Development Management Team

West of Scotland Archaeology Service

Environmental Services

Roads Flood Risk Management

Planning Application Report

1 Application Site

- 1.1 The planning application relates to a northeastern section of land situated within the East Kilbride Community Growth Area (CGA), known as phases 2 and 3 of the Masterplan site. The Masterplan was approved as part of Planning Permission in Principle (application EK/09/0218) 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.”
- 1.2 Within Phase 2 and 3, Cala, Lynch Homes and Barratt propose their residential developments which will be brought forward as separate planning applications in the near future.
- 1.3 The site extends to 17.5 hectares. To the west lies the Phase 1 Cala development which is currently under construction, to the northwest is the existing Police Training College, to the northeast lies an open field and beyond to the established residential area of Mossneuk. To the south lies the line of the CGA spine road and beyond to other future residential development parcels of the CGA.
- 1.4 The site is primarily agricultural land of varied topography, both sloping and undulating and with an elevated area of mature deciduous woodland located on a northeast to south west axis through the site. The future phases of residential development would essentially surround this woodland feature.

2. Proposal(s)

- 2.1 The application seeks to discharge parts of Condition 1 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 including layout access roads, detailed cross sections and ground levels for earthworks, retaining walls related to earth works and formation of SUDS basin(s) are submitted to and approved by the Planning Authority.
- 2.2 The proposal is required to facilitate the next phases of housing development. The proposal entails the re-profiling of existing ground levels to facilitate the future residential developments and includes associated retaining walls. In addition, the construction of a new residential access road and SUDS Basin are also proposed as part of this proposal.
- 2.3 Originally the plans submitted indicated high retaining walls between the proposed new residential development and the mature woodland group which is located at a higher level than the fields where the housing will ultimately be built. Through extensive discussion with the applicant, revised plans were submitted which indicate a reduction in the height of the retaining walls and also a reduction in the lengths of retaining walls required. This has been achieved by the applicant proposing to undertake grading works between the Root Protection Area of the woodland and the edge of the Construction Exclusion Zone.

3 Background

3.1 Local Plan Status

3.1.1 In land use terms, the site is identified within the adopted South Lanarkshire Local Development Plan 2021 (LDP) as forming part of the designated East Kilbride Community Growth Area (Policy 1 - Spatial Strategy) and is allocated as a Proposed Housing Site (Policy 11 - Housing Land). Appendix 3 (Development priorities), relative to Policy 1, sets out the requirements for the CGA in greater detail.

3.1.2 In addition to the above policy designation, which provides the overarching local plan policy direction for the CGA, the proposed development is affected by a number of additional policies within the Local Plan, as follows:-

- ◆ Policy 2 – Climate change
- ◆ Policy 5 – Development management and placemaking
- ◆ Policy 16 – Water environment and flooding
- ◆ Policy SDCC2- Flood risk
- ◆ Policy SDCC3 – Sustainable drainage systems
- ◆ Policy DM1 0 New development design

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 Permission in Principle (EK/09/0218) for the wider East Kilbride Community Growth Area was approved at Planning Committee on 26 June 2018, subject to the conclusion of a Section 75 Legal Agreement in respect primarily of financial contributions towards infrastructure affected by the development. Following signing of the agreement, the planning permission was subsequently issued on 3 October 2019. This application relates to the land associated with phases 2 and 3 of the CGA development and is located to the east of the Phase 1 residential site.

4. Consultation(s)

4.1 **Arboricultural Services and Countryside and Greenspace** – Have advised that the cut and fill profile is illustrated on the woodland canopy cover edge of most of the key features, and within the canopy of numerous others, and as such will still clearly be within Root Protection Areas of retained trees and could influence soil moisture level changes. Therefore, in order to mitigate and lessen any detrimental impact of this significant profiling in the vicinity of the trees, specific pre-start conditions should be imposed on any approval. In addition, detailed planting proposals are sought for the slopes together with the long term management arrangements for both the new planting and the retained woodland.

Response: Noted. Conditions would be attached to any approval to reflect the requirements set out above.

- 4.2 **Environmental Services** – no objections subject to standard informatives.
Response: Noted. The relevant informatives will be attached to any consent issued.
- 4.3 **Roads Development Management** – no objections subject to compliance with conditions and Roads Construction Consent requirements.
Response: Noted. Appropriate conditions and advisory notes can be added to any consent granted.
- 4.4 **West of Scotland Archaeology Service (WOSAS)** – advised that as the area had been subject of archaeological evaluation before revealing traces of prehistoric occupation, further archaeological excavations would be required on the site prior to any ground disturbance. Therefore, an appropriate condition should be imposed.
Response: Noted. Any consent issued would have the relevant condition attached.
- 4.5 **Roads Flood Risk Management** – No response to date.
Response: Noted. Any consent issued would have any relevant conditions attached, if appropriate.
5. **Representation(s)**
- 5.1 Statutory neighbour notification was undertaken and following the submission of revised plans re-neighbour notification was undertaken and the application was advertised non-notification of neighbours in the local newspaper. No representations have been received.
6. **Assessment and Conclusions**
- 6.1 The applicant CALA Management Limited / John Lynch (Builders) Limited seeks consent for the re-profiling of existing ground levels to facilitate the future residential developments and includes associated retaining walls. In addition, the construction of a new residential access road and SUDS Basin are also proposed as part of this proposal. The site benefits from planning permission in principle (EK/09/0218). As such, the principle of the development has already been established and this assessment relates to civil engineering works proposed on the land associated with future phased residential development. 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. The main determining issues, therefore, in the assessment of this application are whether these proposals are in compliance with local development plan policy.
- 6.2 The adopted South Lanarkshire Local Development Plan 2 (SLLDP2) identifies the site, in land use terms, 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 land) to reflect the designation of the CGA. It is, therefore, noted that the principle of housing development on this site is supported by Policies 1 and 11 of the adopted SLLDP2.
- 6.3 In terms of the detail of the proposal, Policy 5 of the SLLDP2 states that all planning applications should take fully into account the local context and built form, while Policy 2 seeks to ensure that proposed developments, where possible, seek to minimise and mitigate against the effects of climate change. Furthermore, any proposal should not result in significant adverse environmental or amenity impacts.

- 6.4 With regard to potential amenity impacts, following discussion with the Planning Service, the re-profiling and cut and fill proposals have been altered to involve more grading of earth as opposed to the introduction of significantly high retaining walls. By revising the works to entail more earth grading between the Root Protection Area of the existing woodland and the Construction Exclusion Zone this has ensured that the extent of retaining walls proposed between the mature woodland area and the next phase of residential development has less impact and therefore will not detrimentally impact on the amenity of the future residents. Given the above, it is considered that there would be no significant impact on the amenity enjoyed by future adjacent properties as a result of the re-profiling exercise as proposed. Taking all relevant matters into account, it is considered that the proposal is in compliance with Policies 2, 5 and DM1 of the SLDP2. In terms of flood risk and impact on the water environment (Policies 16, SDCC2 and SDCC3 of the LDP), it is noted that the proposal includes sustainable drainage features. In this regard, it is noted that no objections in principle have been received from the Council's Flood Risk Management team. Appropriate conditions, where relevant, would be attached to the consent issued. In addition, the Council's Roads Service have intimated no objections to the proposal subject to conditions and that all new roads will be subject to a Road Construction Consent and must be designed and constructed to meet the national Roads Development Guide.
- 6.5 The application site surrounds an area designated as green network, where Policy 13 (Green Network and Greenspace) of the SLLDP2 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 re-profiling works and cut and fill proposed will be on agricultural grazing land. The elevated area of historic woodland will be retained and will be enhanced with additional planting to provide and maintain a green network link through the CGA and the wider rural area beyond the site. Given the above, it is considered that the proposal would not result in a significant change to quality or volume of green network land on the site and that access to a connected green network would be available for future residents, in compliance with Policy 13 of the SLLDP2.
- 6.6 In summary, it is noted that the principle of residential development of this site is supported by development plan policies and the existing Planning Permission in Principle consent, including the Masterplan associated with the site. Furthermore, given that this specific re-profiling proposal will not result in adverse amenity, environmental or safety impacts, it is considered that the proposed development is in compliance with Policies 1, 2, 5, 11, 13, 16, SDCC2, SDCC3, DM1 and NHE20 of the adopted South Lanarkshire Local Development Plan 2 (2021). It is, therefore, recommended that the relevant parts of Condition 1 outlined above can be discharged, subject to the additional conditions listed.
- 7. Reasons for Decision**
- 7.1 The proposal will have no significant adverse impact on amenity, public safety or the local environment and complies with the provisions of Policies 1, 2, 5, 11, 13, 16, SDCC2, SDCC3, DM1 and NHE20 of the Adopted South Lanarkshire Development Plan 2.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 15 September 2021

Previous references

- ◆ EK/09/0218 - 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 – Approved 03.10.2019.

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 23 April 2021
- ▶ Neighbour notification letter dated 18 August 2021
- ▶ Newspaper advert dated 25 August 2021

- ▶ Consultations
 - Arboricultural Services 13.09.2021
 - Roads Development Management Team 03.08.2021
 - West of Scotland Archaeology Service 07.05.2021
 - Environmental Services 31.08.2021

Contact for further information

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

Maud McIntyre, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
Phone: 01698 455043
Email: maud.mcintyre@southlanarkshire.gov.uk

Conditions and reasons

01. Unless otherwise agreed in writing with the Planning Authority, 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.

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.

02. 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: In the interests of amenity.

03. That no part of the proposed adoptable carriageway or footway shall be in retention by either a slope with a gradient greater than 1 in 2 or a structure.

Reason: In the interests of road safety and to safeguard future potential maintenance issues.

04. That during earth moving works and wall construction, an appropriate cleaning system shall be put in place within the site together with wheel washing facilities/road cleaning regime to ensure that mud and debris is not deposited on the public road.

Reason: In the interest of traffic safety.

05. That prior to the commencement of site works a plan shall be submitted for approval identifying the site compound within the site boundary and showing a turning area (to enable all vehicles to be able to access and exit the site in forward gear), location and number of vehicle spaces for staff/operatives.

Reason: This information has not been submitted and in the interest of public safety and to safeguard amenity.

06. That all vehicles must be able to access / exit the SUD's area in forward gears. Prior to the commencement of site works a tracking drawing shall be provided to demonstrate that this can be achieved.

Reason: In the interests of traffic safety.

07. That all new roads will be subject to a Road Construction Consent to be submitted for approval to the Council as Roads Authority and must be designed and constructed to meet the National Roads Development Guide.

Reason: To ensure the completion of the road network to the satisfaction of the Council as Roads Authority.

08. That no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason: In order to determine the character and extent of any archaeological remains within the proposed development area, to safeguard and allow any archaeological remains which may exist on the site to be satisfactorily recorded.

09. That no trees within the application site shall be lopped, topped, pollarded or felled, and no shrubs or hedges shall be removed from the application site without the prior written consent of the Council as Planning Authority.

Reason: In the interests of amenity and to ensure the protection and maintenance of the existing trees and other landscape features within the site.

10. Prior to the commencement of the development hereby approved (including any demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Council as Planning Authority. Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage.
- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of earth profiling (raising and lowering) and construction within the RPA or that may impact on the retained trees and propose and implement special arboricultural design solutions and mitigation measures to reduce impact.
- d) A full specification for the construction of any roads, parking areas and driveways, soil level raising including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
- e) Detailed levels and cross-sections to show that the raised and reduced levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- f) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.

- g) A specification for scaffolding and ground protection within tree protection zones.
- h) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- i) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires.
- j) Boundary treatments within the RPA.
- k) Methodology and detailed assessment of root pruning including all profiling work within the RPA of retained trees.
- l) Arboricultural supervision and inspection by a suitably qualified tree specialist.
- m) Reporting of inspection and supervision.
- n) Methods to improve the rooting environment and RPA for retained trees in the vicinity of soil profiling i.e. undulating contours along profile line retaining as much RPA as possible.

Reason: To ensure that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.

11. Before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Council as Planning Authority to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the Council as Planning Authority.

Reason: To ensure that the Council as Planning Authority are satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details.

12. Prior to completion of the works hereby approved, full details of all proposed tree planting shall be submitted to and approved in writing by the Council as Planning Authority. This will include planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times.

Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

Reason: To safeguard and enhance the amenity of the area, to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.

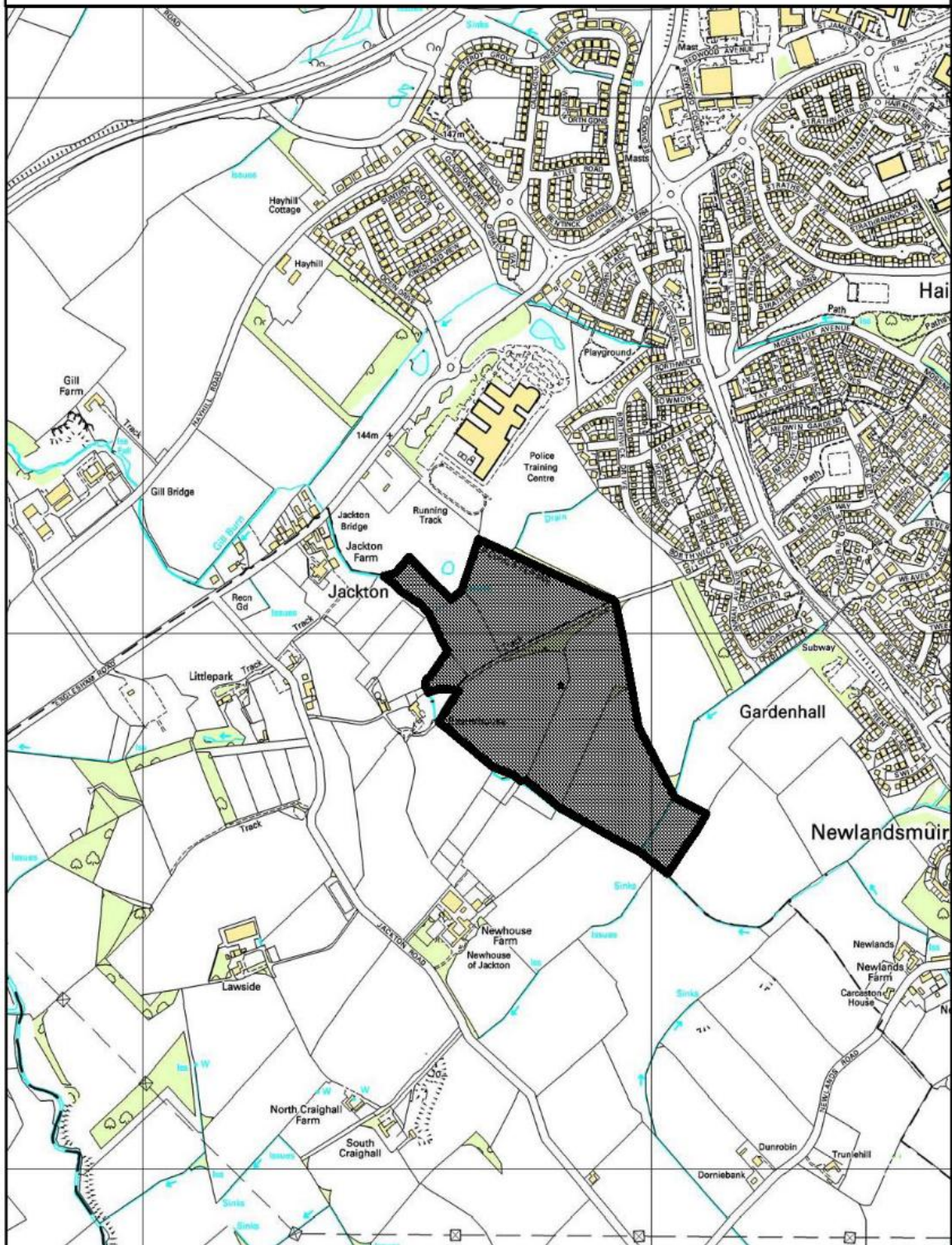
13. Prior to completion of the works hereby approved, a woodland management plan shall be submitted to, and approved in writing by the Council as Planning Authority. The management plan should be prepared by a qualified and experienced forestry or arboricultural consultant and should include the following elements:

- a) a statement of the overall design vision for the woodland and for individual trees retained as part of the development - including amenity classification, nature conservation value and accessibility.
- b) type and frequency of management operations to achieve and sustain canopy, under-storey and ground cover, and to provide reinstatement including planting where tree loss or vandalism occurs.
- c) frequency of safety inspections, which should be at least three yearly in areas of high risk, less often in lower risk areas
- d) confirmation that the tree pruning work is carried out by suitably qualified and insured tree contractors to British Standard 3998 (2010). e) special measures relating to Protected Species or habitats, e.g. intensive operations to avoid March - June nesting season or flowering period.
- f) inspection for pests, vermin and diseases and proposed remedial measures.
- g) recommendations relating to how trees within the immediate vicinity of properties or within private areas are to be protected, such that these are retained without the loss of their canopy or value as habitat.
- h) confirmation of cyclical management plan assessments and revisions to evaluate the plan's success and identification of any proposed actions.

Reason: To ensure that woodland areas are satisfactorily safeguarded, managed and maintained in the long term /in perpetuity in the interest of nature conservation and the visual amenity of the area.

P/21/0613

Land 250M East of Easter House, Jackton Road, Jackton



© Crown copyright and database rights 2019 OS 100020730. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.



Scale:
1:10,000
Date:
16/08/2021



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development