

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>13 September 2022</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/22/0524
Planning proposal:	Erection of 296 houses and associated infrastructure works (Approval of matters specified in conditions 1 (a to r), 3, 4, 6, 7, 8, 9,10 and 12 of Planning Consent EK/09/0218)

## 1 Summary application information

Application type:	Approval of matters specified in conditions
Applicant:	Bellway Homes Limited and Abbey Developments (Jackton) Limited
Location:	Bellway Phase 2 – East Kilbride Community Growth Area (CGA) Newhouse Road 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:
  - ◆ Council Area/Ward:
  - ◆ Policy Reference(s):
- 09 East Kilbride West  
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 SDCC2 – Flood Risk  
Policy SDCC3 – Sustainable Drainage Systems  
Policy DM1 – New Development Design

South Lanarkshire Council Residential Development Guide (2011)

♦ **Representation(s):**

▶	18	Objection Letters
▶	1	Support Letters
▶	0	Comment Letters
▶	1	Petition with 15 signatures

♦ **Consultation(s):**

Roads Flood Risk Management

Roads Development Management Team

Environmental Services

Scottish Water

SP Energy Networks

Countryside and Greenspace

Housing

Scottish Environment Protection Agency (SEPA) Flooding

Jackton and Thorntonhall Community Council

West of Scotland Archaeology Service

## **Planning Application Report**

### **1 Application Site**

- 1.1 This planning application relates to a proposed residential development of 296 units on land situated within the East Kilbride Community Growth Area (CGA). The site lies to the west of Trent Place, Tyne Place, Swift Place and Derwentwater, to the north of current development on Newlands Road and north east of the newly constructed CGA Spine Road on the southern edge of East Kilbride. The site lies on the eastern edge of the masterplan 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 and formation of open space framework with landscaping work.”
- 1.2 The site is primarily agricultural land. The site has varied topography and generally rises from the Spine Road towards the north east at Trent Place / Swift Place. The site falls away to the south east and the watercourse then rises steeply in the south east corner towards Derwentwater and less steeply towards the south and the current development north of Newlands Road. Areas to the west of the site and the Spine Road are currently being developed. There are two watercourses crossing the site, one from the south which joins one from the north which then flows along the southwestern boundary of the site. There are several field boundary hedgerow tree lines and individual hedgerow trees across the site and groups of trees along the watercourse banks. The application site covers an area of approximately 12.47 hectares.

### **2 Proposal(s)**

- 2.1 The 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 of 296 dwellinghouses consists of a mix of 2, 3, 4 and 5 bedroomed houses and 2 bedroomed cottage flats, comprising of 224 detached, 16 semi-detached, 36 terraced houses and 20 cottage flats. The development incorporates 56 affordable housing units, located in the northern area of the site. These dwellinghouses will be provided by Bellway Homes and operated by South Lanarkshire Council. The development would be accessed via a new roundabout on the Spine Road and via a link to the south through the Avant development which is currently under construction. Pedestrian links to Greenhills Road to the north and through the linear openspace to the south, would also be provided, in line with the principles established in the masterplan. The proposal includes landscaping, along the linear openspaces along the watercourses to the south and west towards the Spine Road. The proposal has been broadly designed in accordance with Designing Streets principles and includes a variety of surface materials differentiating between parts of the proposed layout.
- 2.3 The applicant has submitted a number of documents in support of the application including: Design and Access Statement, Ecology Update, Tree Survey, Landscape Planting Scheme, Landscape Maintenance Plan, Habitat and Greenspace Management Plan, Site Investigation Report, an Updated Flood Risk Assessment, Traffic Management Plan / Phasing Plan and Draft Dust Management Plan.

### **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 7 – Community Infrastructure Assessment
- ◆ Policy 11 – Housing
- ◆ Policy 12 – Affordable Housing
- ◆ 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

### 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 part of Phase 2 of the CGA development and is located north east of the newly constructed CGA Spine Road and the proposed central amenity area.

## 4 **Consultation(s)**

4.1 **Roads Development Management Team** – Roads and Transportation Services have advised that they have no objections, subject to conditions in respect of sightlines, parking, surfacing, footpath link, access, construction traffic, retaining walls details, electric vehicle charging and invasive weed control.

**Response:** Noted. Appropriate conditions and advisory notes can be added to any consent granted.

4.2 **Roads and Transportation Services (Flood Risk Management Team)** – Flood Risk Management Team advised that they have no objections subject to the applicants satisfying the Council's design criteria and conditions relating to Sustainable Urban Drainage Systems, drainage implementation and sewerage scheme approval by Scottish Water.

**Response:** Noted. Appropriate conditions can be attached to any consent granted.

4.3 **Environmental Services** – offered no objections subject to conditions relating to a Site Investigations Report and any required remediation and dust control and management on site.

**Response:** Noted. Appropriate conditions can be added to any planning permission issued.

4.4 **SEPA** – No objections to the proposed development as the proposal is outwith the floodplain and a detailed Flood Risk Assessment for the wider CGA Masterplan site has previously been assessed and considered acceptable by SEPA.

**Response:** Noted. Appropriate conditions can be attached to any consent issued.

4.5 **Scottish Water** – offered no objections to the proposed development subject to the requirement for the applicant to obtain the formal approval of Scottish Water once planning consent has been granted at the time of connection.

**Response:** Noted.

- 4.6 **SP Energy Networks** – offered no objections to the proposed development

**Response:** Noted.

- 4.7 **West of Scotland Archaeology Service** – offered no objections but have noted that a condition was imposed on EK/09/0218 requiring archaeological investigations to be carried out.

**Response:** Noted. Condition 23 of EK/09/0218, which requires the submission and implementation of a program of archaeological works, remains applicable to this development. The required archaeological investigations are being progressed at present.

- 4.8 **Housing Services** – offered no objections to the proposed development as the site is included in the South Lanarkshire Strategic Housing Investment Plan (SHIP) 2022/2027 and will contribute to increasing the provision of affordable housing within South Lanarkshire. The proposed number of units and unit mix is appropriate and will be built by the applicant then purchased by the Council and allocated through the Common Housing Register.

**Response:** Noted.

- 4.9 **Countryside and Greenspace** – offered no objections to the proposed development subject to any access paths and link paths being suitably surfaced and of a suitable width to allow for shared use and provide all ability and active travel access.

**Response:** Noted. Suitable paths and link paths are proposed.

- 4.10 **Jackton and Thorntonhall Community Council** – object to the proposed development on the grounds that the proposal does not adhere to Local Development Plan Policy DM1 which specifies “that there is no conflict with adjacent land uses and no adverse impact on existing or proposed properties in terms of overlooking, loss of privacy, overshadowing, noise or disturbance.” The proximity of the proposed development with the existing settlement edge, and the absence of an adequate separation zone of trees between the development and existing properties in Swift, Tyne and Trent Places does not accord with this policy. The Community Council request that the proposal be amended to address this issue.

**Response:** Noted. The approved masterplan for the site did not identify a substantial woodland buffer along this boundary. However, following submission of the current application, the proposed plans have been amended to increase the landscape buffer at this location. It is considered that this improved planting buffer together with existing landscape strip to the rear of properties in Trent Place and Tyne Place will provide suitable separation distance and not result in an unacceptable impact in respect of overlooking, loss of privacy, overshadowing, and residential amenity. This boundary is not located at the settlement edge in the adopted South Lanarkshire Local Development Plan 2, and the amended buffer is considered to be consistent with the requirements of the adopted Development Plan and the requirements set out in the Residential Design Guide which only requires structural planting buffers on edge of settlement sites.

## **5 Representation(s)**

- 5.1 Statutory notification was undertaken and the proposals advertised in the local press in respect of non-notification of neighbours. Following this, 18 letters of objection, a petition with 15 signatures and 1 letter of support were received. The issues raised in all representations can be summarised as follows:-

- (a) **The proposed development is not consistent with the approved Planning Permission in Principle, EK/09/0218, Masterplan in respect of the timing and phasing of the development and the provision of wider infrastructure and community facilities. These infrastructure and community facilities have not been prioritised or progressed including additional education facilities and Hairmyres station. In addition, the Town Centre is in severe decline.**

**Response:** The development of the site is considered to be consistent with the general phasing set out in the Masterplan which was granted consent as Planning Permission in Principle (EK/09/0218). Planning Consent P/22/1526 was granted in April 2020 for the

provision of a Primary School and Nursery as set out in the Masterplan and construction of the school has started. There was no requirement for an additional secondary school in respect of the CGA development with existing secondary schools having sufficient capacity to accommodate the proposed increase in households. Plans for a new Hairmyres station and Park and Ride facility are currently being developed with Network Rail prior to any formal planning application being submitted. As with many town centres, East Kilbride town centre has been affected by the recent changes in shopping patterns particularly following the Covid pandemic.

- (b) **The proposed development is not consistent with the approved Planning Permission in Principle, EK/09/0218, Masterplan in respect of the design and layout. The housing layout is not consistent with the approved Masterplan as there was no detailed layout in the Masterplan.**

**Response:** The Masterplan was granted consent as a Planning Permission in Principle, EK/09/0218, which granted consent for a Masterplan which indicated the types of development in each area of the site. The current application provides the detailed layout within one of these areas and the proposed uses are consistent with the zonings in the approved Masterplan.

- (c) **The proposed development is not consistent with the approved Planning Permission in Principle, EK/09/0218, Masterplan in respect of the design and layout. There is no landscape buffer to the north of the site along the boundary with Trent Place, Tyne Place and Swift Place as promised at a public meeting at the time of the original Masterplan application and required by the Council's Residential Design Guide. A substantial landscape buffer should be provided along this boundary.**

**Response:** The approved Masterplan drawing No.0713-MPDF-P004-F Detailed Indicative Development Framework (Geddes Consulting), did not identify a landscape buffer along this boundary with existing residential properties. The Residential Design Guide requires a landscape buffer or structural planting buffer to be provided where the development site is an edge of settlement site. This site is not located on the edge of the settlement as defined in the adopted South Lanarkshire Local Development Plan 2 where the settlement edge is defined further to the west along Jackton Road. Although there is no requirement for a structural planting buffer to be provided, since the current planning application was submitted the Council has discussed this with the applicant and the plans have been amended to increase the proposed buffer which will be planted with a mixture of Hawthorn, Willow and Elder. A condition can also be attached to any consent protecting the existing boundary trees and shrubs along this boundary with existing properties.

- (d) **There is a lack of housing choice as the proposed development does not offer a suitable range of house types and there are no bungalows.**

**Response:** The proposed development offers a range of house types consisting of 2, 3, 4 and 5 bedroomed houses and 2 bedroomed cottage flats, comprising of 224 detached, 16 semi-detached, 36 terraced houses and 20 cottage flats. It proposes to provide both private sector housing and affordable housing for rent.

- (e) **The proposed location of the affordable housing is unsuitable being grouped in one corner of the site away from amenities and facilities. The affordable housing units should be integrated through the site rather than segregated which can be seen as discriminatory and an after thought.**

**Response:** The location of the affordable housing is consistent with the approved Masterplan and has been selected to enable easy access to the existing facilities. A link path will provide access through to the existing recreation ground and to bus routes along Greenhills Road and providing access to existing retail and community facilities at Greenhills, Hairmyres and beyond. The location of the affordable housing in one area also enables the units to be managed and maintained effectively.

- (f) **Raises concerns as to who will fund the construction of the affordable housing properties.**

**Response:** These properties will be constructed by the applicant and then purchased by South Lanarkshire Council through the affordable housing supply programme with partial funding provided by the Scottish Government.

- (g) **The location and layout of the site will result in overlooking, overshadowing and have an adverse impact on the residential amenity of existing and proposed properties, quality of life of residents and will result in complaints from the residents of the proposed houses. This constitutes a breach of human rights of existing residents. The proposed houses closest to Trent Place and Tyne Place will have north facing gardens causing the residents to use the end of their garden closest to the existing properties increasing amenity issues. This will cause loss of amenity to both existing and new residents.**

**Response:** The layout of the proposed development complies with the window-to-window distance between the proposed properties and the existing properties in Trent Place, Tyne Place and Swift Place. It is not considered that there will be an unacceptable impact in respect of overlooking or overshadowing given the separation distances and the proposed ground level of the development being increased above the existing ground level. Following the submission of the planning application the plans have been amended to increase the proposed buffer which will be planted and the existing boundary trees and shrubs along this boundary will be retained providing suitable screening between the existing and proposed properties.

- (h) **Who will be responsible for the maintenance of the landscape buffers.**

**Response:** The landscape buffer within the planning application boundary will be installed and maintained by the developer. A Landscape Scheme and Maintenance Schedule have been submitted by the applicant which sets out the planting specification and the proposed maintenance schedule.

- (i) **The proposed development will result in the loss of trees and raises concerns over how the existing trees to be retained will be protected during construction and requesting that the trees along the boundary with Trent Place, Tyne Place and Swift Place are surveyed.**

**Response:** The proposed development and landscaping is considered to be consistent with the approved landscaping Masterplan for the CGA which includes large areas of additional planting. A full tree survey of the CGA including boundary trees has been submitted. The development will retain trees along the watercourses / linear park and along the boundaries of the site and additional tree and hedgerow planting is proposed across the site. A condition can be attached to any consent requiring the submission and approval of tree protection measures during construction of the development and these details will require to be approved by the Council prior to construction works commencing. A condition can also be attached to any consent protecting the existing boundary trees and shrubs along the north-eastern boundary with existing properties.

- (j) **The proposed development does not include sufficient greenspace and green networks and jeopardises the current significant flora, fauna and biodiversity of the area and restricts further habitat connectivity. There is a significant range of wildlife on the site including otters, badgers, deer, owls and bats and these require to be protected during and after construction of the development. A replacement badger set was constructed on site following the first phase of the Bellway Homes development. The ecological report has not been published.**

**Response:** An Ecology Report and a Habitat and Greenspace Management Plan have been submitted by the applicant. These reports set out the flora and fauna on the site. They also include species specific protection plans for various protected species and management plans for the green spaces during and following construction. These documents have not been published as they contain sensitive information in respect of protected species on site. The proposed green spaces and landscaping is considered to be consistent with the approved Masterplan for the CGA which includes a significant green network through the area.

- (k) **The gabion wall along the Gill Burn will cause the watercourse to be in a canyon and no longer visible.**

**Response:** The Gill Burn will be generally open to view from the wider site, forming part of the central green space. It will only have gabion walls on two sides for a short section where the topography of the site requires this at the road crossing in the eastern area of the site.

- (l) **The archaeological site investigations require to be carried out and evaluated by a fully qualified archaeologist.**

**Response:** The Archaeological Investigations are being carried out by Guard Archaeology on behalf of Bellway Homes. Once the investigations have been completed, Guard Archaeology will prepare a report which sets out the methodology, findings and any recommendations for Bellway Homes which will then be submitted to the Council. Once this report has been received the Council will consult West of Scotland Archaeology Services who will assess the report.

- (m) **The construction works will result in unacceptable noise, vibration which may cause structural damage to existing properties, dust, mess, disturbance of vermin, disturbance at unsociable hours, weekends or holidays, anti-social behaviour and site operatives using bad language. What measures will be taken to control vermin from the site.**

**Response:** Prior to the commencement of development on the site the applicant would be required to set out mitigation measures to control such issues through a number of site specific plans, including a Construction and Environmental Management Plan (CEMP) and a Control and Mitigation of Dust. Conditions can be attached in this respect. Working hours and disturbance will be controlled through Environmental Regulations which apply to noise generating activities such as construction works. Any concerns relating to potential structural damage as a result of the construction should be raised by property owners directly with the applicant.

- (n) **The proposed development will have an adverse impact on the existing recreation ground at Trent Place which will become overused and congested. There should be additional recreation facilities provided in the proposed development.**

**Response:** The proposed development is part of the wider Masterplan development which provides greenspace and recreation areas across the CGA. Within this development phase a large central linear openspace which runs through the site from east to west is proposed. In addition to this, the provision of a link path is considered appropriate and necessary to provide access through to the existing recreation ground and to existing wider community facilities.

- (o) **The proposed development will result in drainage problems for the existing properties and any drainage proposal should require a full independent drainage survey.**

**Response:** The applicant has submitted a Drainage Layout and a Flood Risk Assessment for the wider CGA has previously been submitted. The Flood Risk Management Team advised that they have no objections subject to the applicants satisfying the Council's design criteria and conditions relating to Sustainable Urban Drainage Systems which include a Sustainable Drainage Design Independent Check Certificate, drainage implementation and sewerage scheme approval by Scottish Water. Appropriate conditions can be attached to any consent granted.

- (p) **The proposed development will cause traffic congestion and pollution particularly along Lindsayfield Road and Greenhills Road resulting in restricted access to schools, impacts on the public transport network and pedestrian safety issues. The development is not using the approved access point and the access from Newlands Road is not suitable for this additional traffic.**

**Response:** Roads and Transportation Services raised no objection to the proposed development and the scale of development, layout and access points are consistent with the approved Masterplan in respect of the location of the accesses. All vehicle accesses to the proposed development are via the new spine road, one at the north-western point



in the site at the roundabout and one through the Avant development at the southern point in the site.

- (q) **All link paths should be designed to a suitable specification in respect of width, lighting and surfacing to allow them to be used by all, including cyclists and wheelchair users. Additional links, such as to Derwentwater, should be considered and improvements to the wider footpath network links to existing community facilities and transport.**

**Response:** The proposed development is part of the wider Masterplan development which provides walking and cycling routes across the CGA and beyond. A specific link is proposed to provide access through to the existing recreation ground at Trent Place, to bus routes along Greenhills Road and providing access to existing retail and community facilities at Greenhills, Hairmyres and beyond. Additional link paths are provided to the current Bellway development, both directly and through the linear open space, onto Newlands Road. No link path is proposed to Derwentwater. These link paths will be designed to a standard to allow access for all.

- (r) **Raises concerns over security of existing properties during construction. The developer should take measures to protect security during construction and a Police report should be undertaken and views of local residents should be sought.**

**Response:** Security is not a valid planning matter and conditions could not be attached to a planning consent in respect of this issue. However, the construction site will require site safety fencing along the boundary and this may act as a suitable security measure.

- (s) **The applicant failed to provide drainage plans, levels plans, site sections or landscape plans.**

**Response:** The applicant provided drainage plans, levels plans, site sections and landscape plans which are available on the planning portal.

- (t) **Developer financial contributions have been removed from this application.**

**Response:** Financial contributions are required for this development and are secured through the Section 75 Legal Agreement under the Planning Permission in Principle consent EK/09/0218. The applicant will make financial contributions each year as the residential dwellings are completed in respect of the number of dwellings completed that year.

- (u) **There is no indication that Neighbour Notification had taken place in respect of the land to the rear of 1 to 15 Swift Place.**

**Response:** All neighbouring properties which are located within 20m of the site boundary were notified. Where there is not a postal property address an advert is placed in the local press to notify others that an application has been lodged. An advert was placed in the East Kilbride News on 11 May 2022.

- (v) **The time provided for people to make representations was too short and there should have been a public consultation meeting.**

**Response:** The statutory period for making representations is 21 days, however, representations are accepted by South Lanarkshire Council until just prior to an application being determined. In this case, representations have been accepted since 29 April 2002 until the date of the Planning Committee. Any representations being received after the report has been issued will be verbally reported at Planning Committee. In respect of the request for the Council to hold a public meeting, the Council is required to act independently from the applicant when assessing planning applications. The Council must assess any planning application against the policies set out in the adopted Development Plan, currently the adopted South Lanarkshire Local Development Plan2 (2021).

- (w) **What happens if construction of the development starts then is halted due to an economic downturn.**

**Response:** Planning consents are required to commence on site within 3 years of the date of consent. There is no requirement to complete a development within a time period once the development starts.

- (x) **The proposed development will have an adverse impact on the value of adjacent properties.**

**Response:** The impact on property values is not a valid planning matter.

- (y) **The developer should purchase adjacent properties at full market value or allow the existing properties to extend their gardens into the site.**

**Response:** This is not a valid planning matter and should be raised by property owners directly with the applicant.

- (z) **Support the proposed development as it provides a very good design and use of the site.**

**Response:** Noted.

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

## **6 Assessment and Conclusions**

- 6.1 The applicant, Bellway Homes Limited and Abbey Developments (Jackton) Limited, seeks consent for the erection of 296 houses and associated infrastructure works on land forming part of the East Kilbride Community Growth Area (CGA). 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 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. The main determining issues, therefore, in the assessment of this application are whether the proposed development is in compliance with local development plan policy.
- 6.2 The adopted South Lanarkshire Local Development Plan 2 (LDP) 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 LDP.
- 6.3 In respect of Policy 6 (Community Infrastructure Assessment) and Policy 12 (Affordable Housing and Housing Choice), 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 includes on-site affordable housing provision of 56 units in the northern area of the site. These consist of 36 terraced houses and 20 cottage flats which will be constructed by the applicant then purchased by South Lanarkshire Council through the affordable housing supply programme with partial funding provided by the Scottish Government. The properties will then be allocated through the Common Housing Register. The proposed number of units and unit mix is considered appropriate and this approach to provision has been agreed with Housing Services. It is also considered that the submitted layout (in the context of the wider masterplan and identified developer contribution requirements) has addressed the amenity, play provision and community facility requirements identified within the Council's Residential Design Guide. The site provides suitable garden ground and will create part of the CGA central openspace. Play areas and a kickabout pitch will be within this central openspace together with walking routes as part of the wider CGA provision. The educational and transportation related requirements associated with this proposal have also been assessed on a cumulative basis, across the CGA as a whole, as part of planning permission EK/09/0218. Taking the above

into account, it is considered that the proposal is acceptable with regard to the requirements of Policies 6 and 12 of the LDP.

- 6.4 In terms of the detail of the proposal, Policy 5 of the LDP 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. Further guidance on design matters is contained in the Council's Residential Design Guide (2011). In terms of the submitted layout, it is noted that the proposal is for 296 residential properties and a central linear openspace, served by two access roads linking the development with the main spine road through the CGA site. The proposed mix of house styles, external materials, size of properties and development layout (including connections) are considered to be acceptable and in compliance with the principles of the approved Masterplan. Additionally, it is noted that the development is consistent with the Masterplan and does not restrict the adjacent areas of development providing road links to the adjacent Cala Homes site. It is noted that the proposals incorporate appropriate design features, including variation of surface materials, a permeable layout and junction treatment to slow traffic. In general, the layout has been designed to provide attractive streets, usable openspace and link paths to encourage walking and cycling.
- 6.5 With regard to potential amenity and road safety impacts, following discussion with the Planning Service, the layout has been adjusted slightly to ensure that the proposed parking and access specifications are in compliance with the Council's standards and to ensure that sufficient pedestrian connectivity is provided throughout the development. In addition, following discussions with the applicant the plans have been amended to increase the proposed landscape buffer adjacent to existing properties which will be planted to provide suitable screening between the proposed development and existing properties and existing boundary trees and shrubs along this boundary can be protected through a planning condition. Given the above, it is considered that there would be no significant road safety impacts and, additionally, it is considered that there would not be any significant impact on the amenity enjoyed by adjacent properties as a result of the development, 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 LDP.
- 6.6 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 a sustainable drainage system including two SUDs basins. The applicants have submitted drainage plans and the site forms part of the wider CGA for which a Surface Water Management Plan by Indev Consulting 2017 and a Flood Risk Assessment by Kaya Consulting 2016 and 2018 have been previously approved. In this regard, the Flood Risk Management Team advised that they have no objections to the proposed development subject to the applicants satisfying the Council's SUDs design criteria and conditions relating to Sustainable Urban Drainage Systems, drainage implementation and sewerage scheme approval by Scottish Water. Taking the above into account, it is considered that the proposal is acceptable with regard to the requirements of Policies 16, SDCC2 and SDCC3 of the LDP.
- 6.7 The application site also lies partially in an area designated as green network, where Policy 13 (Green Network and Greenspace) of the LDP 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. The development will create part of the CGA central openspace and will retain Green Network links along the Gill Burn, other watercourses and through landscape buffers along the site boundary, maintaining the Green Network links through the CGA, the wider settlement and to the rural area. 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 residents, in compliance with Policy 13 of the LDP.

- 6.8 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 the 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, 6, 11, 12, 13, 16, SDCC2, SDCC3 and DM1 of the adopted South Lanarkshire Local Development Plan 2 (2021). 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, 6, 11, 12, 13, 16, SDCC2, SDCC3 and DM1 of the adopted South Lanarkshire Local Development Plan 2 (2021).

**David Booth**

**Executive Director (Community and Enterprise Resources)**

Date: 1 September 2022

### **Previous References**

- ◆ Planning Committee - 26 June 2018 (EK/09/0218)

### **List of Background Papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 29 April 2022
- ▶ Consultations
  - Roads Flood Risk Management 30.06.2022 & 12.08.2022
  - Roads Development Management Team 25.05.2022 & 19.08.2022
  - Environmental Services 17.08.2022
  - Scottish Water 12.05.2022
  - SP Energy Networks 05.05.2022
  - Countryside and Greenspace 16.05.2022
  - SEPA Flooding 14.06.2022
  - Housing Services 12.08.2022
  - Jackton and Thorntonhall Community Council 01.06.2022
  - West of Scotland Archaeology Service 09.05.2022
- ▶ Representations Dated:
  - Petition - Residents at Swift Place, Trent Place and Tyne Place, 15 Swift Place, East Kilbride, G75 8RT 19.05.2022
  - Elaine Anderson, 33 Derwentwater, East Kilbride, G75 8JT 06.05.2022
  - Jim Steele, 19 Trent Place, East Kilbride, G75 8RU 09.05.2022

Andrew and Fiona Cameron, 17 Trent Place, East Kilbride, G75 8RU	16.05.2022
A Aitken, 35 Derwentwater, East Kilbride, G75 8JT	18.05.2022
William T Blaney, 5 Tyne Place, East Kilbride, G75 8RY	17.05.2022
Mr and Mrs D Stewart, 4 Tyne Place, East Kilbride, G75 8RY	20.05.2022
Christina MacMillan, 8 Swift Place, East Kilbride, G75 8RT	18.05.2022
John and Marlene Stewart, 19 Swift Place, East Kilbride, G75 8RT	24.05.2022 & 30.08.2022
Mr Ross Gardner, 17 Swift Place, East Kilbride, G75 8RT	20.05.2022
Mr and Mrs J Stewart, By Email	17.06.2022
James Steele, By Email	19.05.2022
William Blaney, Received Via Email	19.05.2022
Andrew and Fiona Cameron, 17 Trent Place, East Kilbride, G75 8RU	17.05.2022
Mrs Gillian Dunker, 15 Trent Place, Broadmeadows, East Kilbride, G75 8RU	15.05.2022
Ms Lynn Reid, 82 Glen Tenna, East Kilbride, Glasgow, South Lanarkshire, G74 3UY	09.05.2022
Douglas and Catherine Cormie, By Email	26.05.2022
Jackton and Thorntonhall Community Council, Received Via Email	01.06.2022
Mrs Gillian Dunker, Received Via Email	29.05.2022

### **Contact for further information**

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

Morag Neill, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB  
Phone: 07551 842 294  
Email: [morag.neill@southlanarkshire.gov.uk](mailto:morag.neill@southlanarkshire.gov.uk)

### 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. 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.

03. That the landscaping scheme as shown on the approved Landscaping Scheme "Landscaping Proposal Sheets 1 to 12 DWA Landscape Architects Ltd" shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or the completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

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

04. Prior to the commencement of the development hereby approved, the submitted Site Investigations Report (Mason Evans - March 2020) and the Site Investigations Report Addendum - Interim Report on Ground Investigation (Mason Evans July 2022) shall be updated and a final Site Investigation submitted to and approved in writing by the Council as Planning Authority.

Reason: To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.

05. (a) Remediation of the site shall be carried out in accordance with the approved remediation plan prior to the proposed development being brought into use. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Council as Planning Authority.

(b) On completion of the remediation works, the developer shall submit a completion report to the Council as Planning Authority, confirming that the works have been carried out in accordance with the approved remediation plan and that the works have successfully reduced these risks to acceptable levels.

(c) Any previously unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of the Council as Planning Authority within one week or earlier of it being identified. A more detailed site investigation to determine the extent and nature of the contaminant(s) and a site-specific risk assessment of any associated pollutant linkages, shall then require to be submitted to and approved in writing by the Council as Planning Authority.

Reason: To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.

06. That the recommendations and procedures set out in the "Habitat and Greenspace Management Plan" submitted in support of the proposed development, produced by JDC ecology and dated April 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 and green spaces within the site.

07. 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.

08. That no development shall commence until details of surface water drainage arrangements (including provision of a 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 C,D & E).

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.

09. 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 8 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.

10. That no development shall commence on site until the applicant provides written confirmation from Scottish Water to the Council as Planning Authority that the site can be satisfactorily served by a sewerage scheme designed in accordance with Scottish Water's standards.

Reason: To ensure the provision of a satisfactory sewerage system.

11. 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 Council as 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 Council as Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason: In order to safeguard any archaeological items of interest or finds.

12. 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.

13. That, before the development hereby approved is completed or brought into use, at all driveway accesses a visibility splay of 2.4 metres by 2.4 metres measured from the heel of the footway shall be provided on both sides of the vehicular access and everything exceeding 0.9 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 dwellinghouses hereby approved are completed or brought into use, the parking spaces associated with the dwellinghouses 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. That, prior to the occupation of any of plots 367 to 535 of the development as shown on the approved plans, a 3m wide remote footpath link, assessable to all, from the proposed development to Greenhills Road shall be provided in accordance with the details shown on the approved drawings. All of the above shall be provided and thereafter maintained to the specification and satisfaction of the Council as Roads and Planning Authority.

Reason: In the interests of public safety.

17. That unless otherwise agreed in writing with the Planning Authority, all construction vehicles associated with the development hereby approved shall only access the site using the spine road via Eaglesham Road to the north.

Reason: In the interests of road safety.

18. That, during the construction phase associated with the development hereby approved:
- ♦ appropriate cleaning systems shall be put in place within the site to ensure mud and debris is not deposited on the public road.
  - ♦ appropriate wheel wash facilities/road cleaning regime shall be provided.
  - ♦ all vehicles shall be able to access and exit the site in forward gears, therefore a turning area shall be provided
  - ♦ sufficient parking shall be provided within the site boundary to accommodate all site staff/operatives parking requirements.

Before the commencement of works on site full details and plans detailing the above requirements shall be submitted to and approved by the Council as Roads and Planning Authority. Thereafter, the approved details shall be implemented on site to the satisfaction of the Council throughout the construction phase.

Reason: In the interests of road safety.



19. Prior to development commencing on site, full engineering drawings of all retaining walls, including drainage details, shall be submitted to and approved in writing by the Council as Planning Authority. The retaining walls shall thereafter be constructed in accordance with the approved details to the satisfaction of the Council as Planning Authority.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

20. 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.

21. 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 construction within the RPA or that may impact on the retained trees.
  - d) A full specification for the installation of boundary treatment works.
  - e) A full specification for the construction of any roads, parking areas and driveways, 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.
  - f) Detailed levels and cross-sections to show that the raised 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.
  - g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
  - h) A specification for scaffolding and ground protection within tree protection zones.
  - i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
  - j) 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
  - k) Boundary treatments within the RPA
  - l) Methodology and detailed assessment of root pruning
  - m) Arboricultural supervision and inspection by a suitably qualified tree specialist
  - n) Reporting of inspection and supervision
  - o) Methods to improve the rooting environment for retained and proposed trees and landscaping
  - p) Veteran and ancient tree protection and management.

The development shall thereafter be implemented in strict accordance with the approved details.

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.

22. 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.

23. That no trees long the boundary of the site with Trent Place / Greenhills Road Recreation Ground, Trent Place, Tyne Place and Swift Place 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.

24. Prior to the commencement of the development hereby approved a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved by the Council as Planning Authority. Thereafter, the approved details shall be implemented on site to the satisfaction of the Council throughout the construction phase.

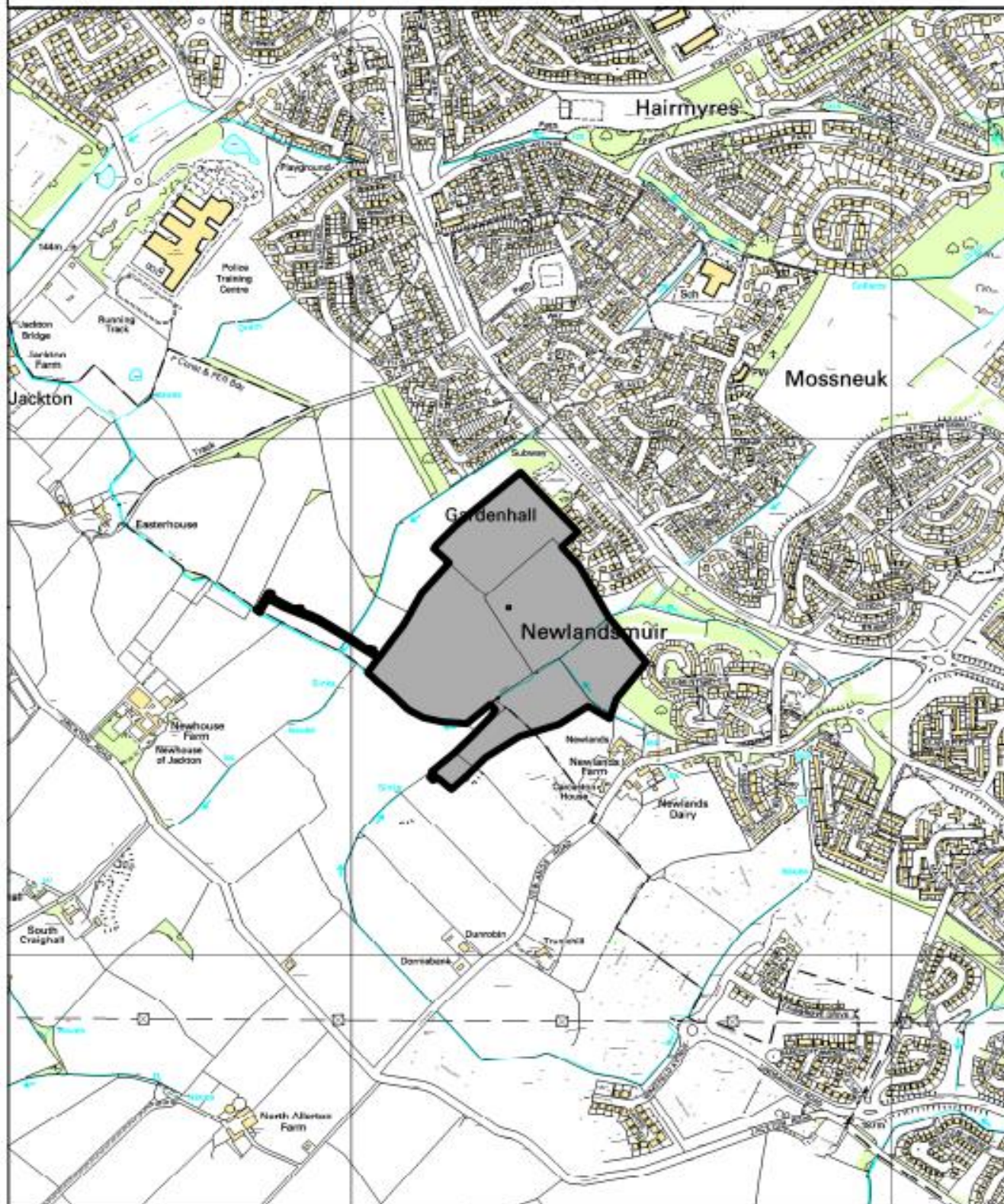
Reason: In the interests of public safety and in order to retain effective planning control.

25. That unless otherwise agreed, the applicant shall undertake an invasive weed survey, which shall include nuisance weeds such as Horsetail, and submit the findings of the survey along with their proposed remediation strategy, all for the written approval of the Council as Roads and Planning Authority, prior to commencement on site of any topsoil stripping or other earthworks. That no invasive weeds or nuisance weeds shall be permitted below or within influencing distance of the public road. Once approved, all works shall be progressed in accordance with the agreed remediation strategy.

Reason: To remove the presence of invasive weeds from the site and ensure the site is suitable for development.

P/22/0524

Bellway Phase 2 - EK CGA Newhouse Road, EK



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Scale:  
1:10,000  
Date:  
19/08/2022



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Economic Development