

Report

Report to: Planning Committee
Date of Meeting: 1 December 2020

Report by: Executive Director (Community and Enterprise

Resources)

Application no. EK/17/0350

Planning proposal: Erection of 24 Flats comprising 5 double blocks with associated car

parking and landscaping

1 Summary application information

Application type: Detailed planning application

Applicant: Robertson Frame Ltd

Location: Vacant Land Adjacent to Eaglesham Road

Jackton

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

(1) Refuse the application for the reasons attached.

2.2 Other actions/notes

(1) The Planning Committee has delegated powers to determine this application.

(2) In the event that the Planning Committee decided to approve this application, the application would require to be referred to the Scottish Ministers due to the objection to the proposal raised by SEPA.

3 Other information

Applicant's Agent: Riach Partnership LtdCouncil Area/Ward: 09 East Kilbride West

♦ Policy Reference(s): South Lanarkshire Local Development Plan

(Adopted 2015)

Policy 4 - Development management and

placemaking

Policy 6 - General urban area/settlements

Policy 12 - Housing land

Policy13 - Affordable housing and housing choice

Policy 17 - Water environment and flooding

Proposed South Lanarkshire Local Development Plan 2 (2018)

Policy 3 - General Urban Areas

Policy 5 - Development Management and

Placemaking

Policy 11 - Housing

Policy 12 - Affordable Housing

Policy 16 - Water Environment and Flooding

Supplementary Planning Guidance

Residential Development Guide (2011)

♦ Representation(s):

•	8	Objection Letters
•	0	Support Letters
•	2	Comment Letters

♦ Consultation(s):

Jackton and Thorntonhall Community Council

Arboricultural Services

Roads Development Management Team

SP Energy Network

Environmental Services E-consult

RT Flood Risk Management Section

SEPA West Flooding

National Grid UK Transmission

SPT

Scottish Water

Planning Application Report

1 Application Site

- 1.1 The application site, extending to just under 0.6 hectares, is located on vacant land off Eaglesham Road, Jackton. The site is broadly 'L' shaped and is accessed from Eaglesham Road. It is bound to the east and west by existing residential properties on Eaglesham Road and to the north and south by land to be developed for residential purposes associated with the East Kilbride Community Growth Area. The site is relatively flat and currently consists of scrub, scattered trees and grassland. It also has a watercourse, the Gill Burn, running through it.
- 1.2 The original submission for this application detailed the access to the site via a T-junction similar to the current layout from Eaglesham Road. However, as a new spine road with roundabout to serve the adjacent Community Growth Area approved under application EK/17/0305 is to be formed adjacent to the site, the plans have been updated to reflect this. It is noted that works on the roundabout are due to start in the near future with preliminary works currently being undertaken.
- 1.3 It is noted that the site has been allocated within the SLC Strategic Housing Investment Plan (SHIP) document and is, therefore, within an area where there is demand for affordable housing. The applicant has provided a letter from Clyde Valley Housing Association (CVHA) dated May 2017 advising of their interest in the site. The applicant has also intimated East Kilbride Housing Association have also expressed interest in the site. It is unclear if the site still remains desirable for housing association use.

2 Proposal(s)

2.1 Detailed planning permission is sought for the erection of 24no. flatted dwellings on the site with associated car parking and landscaping. This would comprise of 5no. double blocks each in an 'H' formation. Block A would be located at the entrance to the site facing onto Eaglesham Road and Blocks B-E would be located to its rear (to the north and east). Blocks A to D would each contain 5 flats with Block E containing 4 flats. The flatted blocks would be finished in materials to integrate with the surrounding area.

3 Background

3.1 Local Plan Status

- 3.1.1 In determining this planning application, the Council must assess the proposed development against the policies contained within both the adopted South Lanarkshire Local Development Plan (2015) and Supplementary Guidance (SG) produced in support of the SLLDP.
- 3.1.2 In this case, the relevant polices are Policy 4 Development Management, Policy 6 General urban areas/settlements, Policy 12 Housing Land, Policy 13 Affordable Housing and Policy 17 Water Environment and Flooding.
- 3.1.3 On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2. A number of amendments to policy have been recommended which will be carried through to adoption stage. For the purposes of determining planning applications, the Council will assess proposals against the policies contained within

the adopted South Lanarkshire Local Development Plan and those within the proposed South Lanarkshire Local Development Plan 2 alongside the Reporters amendments. Whilst the Reporters amendments have yet to be ratified by South Lanarkshire Council, they are, nevertheless, a material consideration. In this instance, the applicable policies are Policy 3 – General Urban Areas, Policy 5 – Development Management and Placemaking, Policy 11 – Housing, Policy 12 – Affordable Housing and Policy 16 – Water Environment and Flooding.

3.2 Relevant Government Advice/Policy

3.2.1 Scottish Planning Policy (2014) (SPP) advises that proposals that accord with upto-date plans should be considered acceptable in principle. 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 to meet identified housing requirements. However, SPP also advises that the planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere. Piecemeal reduction of the functional floodplain should be avoided given the cumulative effects of reducing storage capacity.

3.3 **Planning Background**

- 3.3.1 The applicant submitted a pre-application enquiry several years ago for a proposed residential development at the site. At that time, it was noted that as the site had previously been developed and was located within the residential boundary, it was considered suitable for residential purposes subject to an acceptable scale and design of proposal. However, it was also highlighted at this stage by the Council's Roads Flooding section that there were concerns of the impact of the proposal in relation to flooding.
- 3.3.2 It is noted this application was submitted in 2017 for formal assessment. At the initial consultation stage, both the Council's Roads Flooding section and SEPA raised significant concerns in terms of flooding. Since then, there have been several meetings, revised plans and flooding assessments submitted; however, these have not resolved the concerns raised. Given the period of time that has now passed without a suitable resolution being provided, the Planning Service considers the application must now be determined.

4 Consultation(s)

A.1 Roads and Transportation Development Management — note that a revised layout has been provided to reflect comments previously made in terms of the parking/road layout which allows for a footway opposite the car parking area. However, they have also advised they remain concerned that the distance of the parking spaces from the proposed dwellings is too far. Roads guidelines require parking provision to be appropriately located to avoid indiscriminate and obstructive parking. As such, it is considered likely that residents will park on the street due to this distance and it is recommended that this is reviewed. In addition, the layout highlights 'speed cushions' at the point where pedestrians would cross to the bin store locations. This would not be appropriate as the speed cushions would act as a trip hazard. It is also recommended this is reviewed.

Response: Noted.

4.2 Roads Flooding - object to the proposal as it is considered contrary to the flood avoidance principles of Scottish Planning Policy. They note that the flooding affecting this site is fluvial and, therefore, areas affected by this fluvial flooding can be classified as floodplain. Roads Flooding advise it is not acceptable to implement flood protection measures to facilitate new development within a floodplain. As such, the applicant's proposal to implement flood management measures, such as culverts, running beneath building platforms to permit new residential development upon a floodplain is contrary to the flood avoidance principles of SPP. The land raising proposed to construct the proposal is within the floodplain and will only be permitted in exceptional circumstances. This is not considered to be an exceptional circumstance and is, therefore, contrary to SPP. It is further noted that the compensatory storage proposed is not quantified or deemed to be appropriate as it relies upon an existing stockpile of material, which has been deposited within the floodplain, being removed from the site to provide additional flood storage. The information submitted by the applicant also makes references to the capacity of the culvert at Jackton Bridge in the vicinity of the site, and previous discussions have sought the Council's position on replacing the structure to reduce the risk of flooding to the application site. It is acknowledged that hydraulic modelling shows this culvert to be a constriction during flood events, with the modelling demonstrating floodwater coming out of channel and, thereafter, flowing across land. However, due to a number of factors including the historical nature of many road crossing structures, climate change and increased urban development, Roads Flooding note there are many locations across the Council area where existing structures are unable to fully convey the flows associated with significant flood events. As such, replacing Jackton Bridge to increase flow capacity in order to facilitate new residential development at this site, could not be prioritised and therefore the Council has no plans at this time to replace it. In addition, Roads Flooding also refer to the technical assessments by SEPA of the flood risk information submitted by the applicant which has been used to assist the team's recommendation. Given the above, Roads Flooding recommend refusal of this application.

Response: Noted. This issue will be discussed in Section 6 of this report.

4.3 <u>SEPA</u> – object to the proposal on the grounds that it may place buildings and persons at flood risk which is contrary to the principles of SPP. It is noted that the location of the site is within the functional floodplain and development within this area is not supported under SPP. SEPA note that the flooding predicted at the site originates from the Gill Burn and is, therefore, fluvial in nature. As such, it is considered inappropriate to manage the flood risk at the site in order to facilitate development within the functional floodplain.

Response: Noted. This issue will be discussed in Section 6 of this report.

4.4 <u>Environmental Services</u> – recommend that a decision on the application is deferred until the applicant provides further information including a noise assessment, comprehensive site investigation and details of the facilities for the storage of refuse within the development.

Response: Noted. These items have not been progressed due to other outstanding issues with the site.

4.5 <u>Scottish Water</u> – no objection to the proposal.

Response: Noted.

4.6 **SP Energy Networks** – no objections to the proposal.

Response: Noted.

4.7 **SPT** – no response received to date.

Response: Noted.

4.8 <u>Jackton and Thorntonhall Community Council</u> – object to the proposal on the basis that the scale of development is disproportionate to the existing settlement which primarily consists of low-density housing not exceeding two storeys in height. Concerns also raised about the vehicular access onto Eaglesham Road not being suitable and that the site would be partly within the flood line of the Gill Burn and would, therefore, be liable to flooding.

Response: As noted above, the primary reason for refusal of this application is in relation to its impact on flooding. However, the scale and density of the proposal is acceptable in general terms and this assessment is detailed in section 5 below. In terms of the vehicular access, Roads have raised no objection in this regard.

- 4.9 <u>Arboricultural Services</u> requested further information including the submission of a topographical survey, tree survey and categorisation, and tree constraints plan. <u>Response</u>: The applicant provided a topographical survey and tree report following this, however, these items have not been progressed due to outstanding issues with the site.
- 4.10 <u>National Grid UK Transmission</u> 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 as not all neighbouring properties could be identified. Following this, 10 letters of representation have been received, the points of which are summarised below:
 - a) All wildlife and flora and fauna must be protected and should not be adversely affected as a result of this development.

Response: Noted. A preliminary ecological appraisal has been submitted as part of the proposal which at the time of submission in 2018, advised that there were no licencing requirements in terms of protected species. However, it did recommend of a number of mitigation measures that would require to be undertaken should the application be successful. In addition, a number of enhancement measures were also proposed in relation to protected species, birds and habitats.

b) The application site is within a designated high-risk floodplain as categorised by SEPA. This area should have enhanced planting to improve drainage rather than hard surfacing which will cause further flooding to the adjacent properties as well as the new development. A flood assessment should be undertaken.

Response: A flooding assessment has been submitted as part of this proposal. As noted above, both SEPA and the Council's Roads Flooding section have raised significant concern in relation to flooding issues associated with this site and it is considered the proposal fails to meet

national and local policy in relation to flooding. As such, the Planning Service recommend refusal of this application primarily on this basis.

c) There is no current access to the mains sewage system at this location. The existing adjacent properties are connected to septic tanks and the outfall/run off crosses this site. There is no mention of how this will be safeguarded should permission be granted.

<u>Response</u>: Scottish Water have been consulted as part of this application and have raised no objections to the proposal. However, this detail would be requested had the proposal been supported by the Planning Service.

d) There is no design and access statement submitted addressing site context, scale of development, relationship to adjacent properties, proposals for drainage etc. The proposed three storey development is not in keeping with the rural style of the area which are generally single storey with some two storey buildings.

Response: Following the original submission, a planning statement was submitted by the applicant in support of the proposal and also a flood risk assessment. As noted above, the flooding assessment has been reviewed by the relevant consultees and due to significant flooding concerns, this has resulted in a recommendation for refusal of this application. In terms of acceptability of the proposed flatted blocks, it is considered that the entrance block to the site (Block A) at 2.5 storeys in height does not integrate with the existing streetscape on Eaglesham Road and is, therefore, not considered to be acceptable. In terms of the remaining 4no. blocks, whilst also 2.5 storeys in height, these are located to the rear and, therefore, their impact on visual amenity is reduced. However, whilst it is noted the 5no. flatted blocks are modern in design in comparison to the existing buildings on Eaglesham Road, the site is adjacent to the Community Growth Area where a more modern approach to design has been taken. It is therefore not considered that the design of the residential properties on this site require to be of a rural nature.

e) The proposal has no consideration for the adjacent properties and will result in a loss of privacy to the rear gardens of these properties and result in significant overshadowing.

Response: Whilst these concerns are noted, the applicant has demonstrated that through the careful placement of windows and additional screening measures, it is not considered there would be a significant loss of privacy to adjacent properties. Furthermore, a detailed shadow test was carried out by the applicant which demonstrated that due to the positioning of the blocks in relation to the existing properties on Eaglesham Road as well as their design in an 'H' formation, there is unlikely to be significant overshadowing of the existing adjacent residential properties.

f) The information submitted is insufficient lacking details of proposed landscaping, site cross sections and relationship to the existing dwellings. The applications state there are no trees on site however this is incorrect. There is no Roads and Traffic assessment or engineering drawings. Furthermore, a Habitat Assessment and Environmental Impact Assessment (EIA) has not been submitted.

Response: It is noted that the initial application submission did not include a number of supporting documents required to assess the proposal. However, I am satisfied all required documents have since been provided and are available to view on the Council's website. It is noted that a Habitat Assessment and EIA were not required in this instance.

g) The applicant intimates that none of the land is in agricultural use, however it is considered that the land directly to the rear of the existing properties (outwith the former commercial footprint occupied by the garage previously on the site) is still agricultural in use.

Pesponse: Under the Adopted South Laparkshire Local Development Plan.

Response: Under the Adopted South Lanarkshire Local Development Plan (2015), the site is zoned as within the residential settlement boundary. As such, the principle of residential development at this site is not contrary to the development plan.

- h) There are overhead cables on the site.Response: Whilst not a reason for refusal of the application, this is noted.
- i) The proposed development directly conflicts with completed work under application reference B/19/0928.

Response: It is noted that approved building warrant B/19/0928 refers to house alterations for an adjacent property involving the removal of a conservatory and replacement with an extension. However, it is not considered necessary for the plans for the current application to be updated to reflect this alteration in this instance.

j) The number of additional people living at this location will cause noise and disturbance for adjacent properties.

<u>Response</u>: It is noted that with any construction work, unfortunately noise disturbance and disruption is inevitable, however is only for a limited period throughout works. In terms of noise from people residing at the new properties, Environmental Services were consulted as part of this application and have raised no concerns in this regard.

k) The plans show a large roundabout adjacent to the site with a small slip road for access to 340 Eaglesham Road. However, this looks like it excludes access from the proposed flats onto this slip. Is there a road safety issue of potentially 24-48 vehicles accessing onto this roundabout?

Response: As detailed above, the Council's Roads Development Management section have been consulted on this application and have raised no safety concerns in relation to the access to the site.

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

6 Assessment and Conclusions

6.1 The determining issue in the assessment of this proposal is its compliance with national policy, local development plan policy and any other material considerations. The application site and its associated proposal is affected by Policy 4 which states that all development proposals will require to take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the local community and, where appropriate, should include

measures to enhance the environment. Policy 6 - General Urban Area/Settlements is also relevant and states that within residential areas, development will not be permitted if it is detrimental to the amenity of residents in terms of visual impact, noise, smell, air pollution, disturbance, traffic or public safety.

- 6.2 Policy 12 Housing Land refers to the provision of an effective supply of housing and notes the Council will support development on sites included within the Housing Land Audit and associated proposals map. Policy 13 Affordable housing and housing choice is also relevant and requires developers to provide a diverse and attractive mix of house types and sizes including different tenure mixes to ensure that a full range of housing types are provided.
- 6.3 Policy 17 Water environment and flooding is of relevance and advises any development proposals which will have a significant impact on the water environment will not be permitted. This includes engineering works such as culverting. The avoidance principle of flood risk management as set out in SPP must be met. Within areas identified as the functional floodplain, the Council will not support any development proposals except where a specific location is essential for operational reasons and appropriate mitigation measures can be taken that meet the principles of flood risk management.
- In terms of national planning policy, SPP requires Councils to maintain a five year supply of effective housing land. Planning Authorities are also required to promote the efficient use of land by directing development towards sites within existing settlements, where possible, in order to make effective use of existing infrastructure and service capacity. However, SPP also advises that the planning system should promote a precautionary approach to flood risk. This is where flood avoidance is promoted and where development should be located away from functional floodplains. Development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere should not be supported. Piecemeal reduction of the functional floodplain should be avoided given the cumulative effects of reducing storage capacity.
- In terms of Policy 17 and SPP, the applicant has provided a number of reports and drainage data by Terrenus Land and Water Ltd to address the drainage issues at the site. Terrenus consider there are two sources of flood risk at the site; one from the Gill Burn and the second from an overland flow source. However, having reviewed this data, the Council's Roads Flooding section and SEPA both consider that all of the flooding predicted at the site originates from the Gill Burn. They, therefore, consider the type of flooding affecting the site to be fluvial in nature and as this places the application site within the functional floodplain, it is not considered appropriate to manage the flood risk at the site to enable development. As detailed above, SPP and Policy 17 require development to be outwith the functional floodplain.
- 6.6 It is also noted that Terrenus Ltd refer to the provision of compensatory storage. SEPA and the Council's Roads Flooding section both advise that compensatory storage proposals are only supported in exceptional circumstances if appropriate. Had this been the case, the compensatory storage would have required to be provided on a level for level basis. However, both consultees have advised the proposed development is not an exceptional circumstance and that the proposal contravenes the fundamental requirements of SPP. As such, both recommend the

- application is refused on the basis that the development will place buildings and persons at risk of flooding.
- In terms of Policies 4, 6 and 12, the site is located within the residential settlement 6.7 boundary, therefore, a residential use is acceptable in principle, subject to compliance with all other relevant policy. In terms of the scale and design of the proposal, this comprises of 5no. double blocks 2.5 storeys in height equating to 24no. dwellings. Whilst it is noted this would be different to the existing properties on Eaglesham Road which tend to be single and one and a half storeys, the site is also adjacent to the Community Growth Area which will inevitably alter the character of the area. As such, flatted blocks at this location are not considered to be out of place. However, it is noted that during the application process the Planning Service had advised the applicant that the entrance block (Block A) to the site facing onto Eaglesham Road should be reduced in height to integrate with the existing streetscape. The applicant subsequently provided plans showing a reduced height and a reduction in the number of properties to 22no. flats which was considered an improvement. However, this plan was subsequently withdrawn, and the applicant wishes to proceed with the original plan for this block. As such, we consider that Block A is visually imposing within the streetscape and does not comply with Policies 4 and 6 in terms of impact on visual amenity and has been listed as a further reason for refusal.
- In terms of the remainder of the development, it is considered that the overall scale and siting of the proposed flats are acceptable. It is noted that the windows facing towards the existing dwellings on Eaglesham Road have been positioned taking account of existing building locations and windows and with the assistance of further screening it is considered the proposal would not result in any significant overlooking issues. In terms of overshadowing, the applicant has provided a detailed shadow test which concludes that due to the position of the development in relation to adjacent properties, the design of the buildings and the orientation of the sun (rising in the east and setting in the west), there will not be significant overshadowing of the adjacent properties as a result of the development. In terms of materials, had the Planning Service been in support of the proposal, full details and samples would be requested.
- 6.9 As detailed above, the statutory neighbour notification was carried out and the application advertised in the local press as not all neighbouring properties could be identified. As such, ten letters of representation were received, the points of which are summarised in section 5 above. It is considered that a number of the points raised were valid and as noted above, this application is being recommended for refusal.
- 6.10 In conclusion, it is considered that there are significant flooding issues associated with this site in that the proposal poses a risk of flooding to buildings and persons. As such, the proposal is contrary to both local and national flooding policies. In addition, it is considered the height of Block A at the entrance to the site is not acceptable due to the impact it would have on the streetscape. For these reasons, it is recommended planning permission is refused.

7 Reasons for Decision

7.1 The proposed development does not comply with the provisions of Policy 17 of the Adopted South Lanarkshire Local Development Plan (2015) and Policy 16 of the Proposed South Lanarkshire Local Development Plan 2 (2018) in that due to its location within a functional floodplain, it is considered the development will place buildings and persons at risk of flooding which is contrary to the flood avoidance principles of Scottish Planning Policy (SPP). In addition, the proposed entrance block to the site is of out of keeping with the scale of the existing streetscape and will have an adverse impact on visual amenity. As such, this aspect of the proposal is also contrary to Policies 4 and 6 of the Adopted South Lanarkshire Local Development Plan (2015) and Policies 3 and 5 of the Proposed South Lanarkshire Local Development Plan 2 (2018).

Michael McGlynn Executive Director (Community and Enterprise Resources)

20 November 2020

Previous References

♦ None

List of Background Papers

- Application form
- Application plans
- South Lanarkshire Local Development Plan 2015 (adopted)
- Proposed South Lanarkshire Development Plan 2

•	Neighbour notification letter dated	10.10.2017
		16.09.2020

Consultations

1 1/ A 1 T / L II O '' O ''	04 40 0047
Jackton And Thorntonhall Community Council	31.10.2017
Arboricultural Services	12.10.2017
Roads Development Management Team	04.09.2018
SEPA West Flooding	08.11.2017 15.11.2018 02.10.2020
SP Energy Network	20.10.2017
Environmental Services E-consult	19.10.2017
RT Flood Risk Management Section	23.06.2020 16.07.2020 02.10.2020
National Grid UK Transmission SPT	No response No response

Scottish Water 19.10.2017 17.09.2020

Representations

Thomas McPake, 338 Eaglesham Road, Jackton, G75 8RW	Dated: 01.11.2017
Mary Ross, Via Email	01.11.2017
Carolyn Wolfson, Via Email	01.11.2017
William Struthers, 344 Eaglesham Road, Jackton, G75 8RW	06.11.2017
Joe Allan, 94 Franklin Place, Westwood, East Kilbride, G74 8LS	22.11.2017
Mr Thomas McPake, 338 Eaglesham Road, Jackton, East Kilbride, G75 8RW	28.09.2020
Joe Allan, 94 Franklin Place, Westwood, East Kilbride, G74 8LS	06.10.2020
Carolyn Wolfson, Via Email	07.10.2020
Sarah Bennett, Via Email	07.10.2020
Carolyn Haddow, Via Email	13.10.2020

Contact for further information

If you would like to inspect the background papers or want further information, please 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: EK/17/0350

Reasons for refusal

- 01. The proposed development is located within a functional floodplain and is considered to place buildings and persons at risk of flooding which is contrary to the flood avoidance principles of Scottish Planning Policy (SPP) and therefore also fails to comply with Policy 17 of the Adopted South Lanarkshire Local Development Plan (2015) and its associated supplementary guidance.
- 02. The proposed development is located within a functional floodplain and is considered to place buildings and persons at risk of flooding which is contrary to the flood avoidance principles of Scottish Planning Policy (SPP) and therefore also fails to comply with Policy 16 of the Proposed South Lanarkshire Local Development Plan 2 (2018) and its associated supplementary guidance.
- O3. The proposed entrance block to the site is of out of keeping with the scale of the existing streetscape and will have an adverse impact on visual amenity. As such, this aspect of the proposal is contrary to Policies 4 and 6 of the Adopted South Lanarkshire Local Development Plan (2015).
- O4. The proposed entrance block to the site is of out of keeping with the scale of the existing streetscape and will have an adverse impact on visual amenity. As such, this aspect of the proposal is contrary to Policies 3 and 5 of the Proposed South Lanarkshire Local Development Plan 2 (2018).

