

	<h1>Report</h1>	Agenda Item <h1>18</h1>
---	-----------------	---------------------------------------

Report to: **Planning Committee**
 Date of Meeting: **20 March 2007**
 Report by: **Executive Director (Enterprise Resources)**

Subject: **Erection of 21 Dwellinghouses and Ancillary Roadworks at Albert Park, Braidwood (Application CL/05/0065)**

1 Purpose of Report

1.1 The purpose of the report is to:-

- ♦ advise members that it is considered that the above development can be adequately controlled by means of planning conditions and a roads bond and that consequently a Section 75 Agreement is no longer required.

2 Recommendation(s)

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

- (1) that detailed planning permission be granted, subject to conditions as previously agreed by Committee on 26 September 2006, but that a Section 75 Agreement is no longer required.

3 Background

3.1 This application was reported to Committee for approval in April 2005, subject to the conclusion of a Section 75 Agreement. It was not possible to conclude the agreement and therefore the consent has not been issued. The application was again reported to Committee in September 2006 subject to amended arrangements relating to the Section 75 Agreement. Detailed consent for two plots was granted last year and work has started on site.

4 Summary of Proposal

4.1 The applicant seeks detailed planning permission for the erection of 21 detached, 2-storey dwellings and the formation of an access at Albert Park, Lanark Road, Braidwood. The proposed access takes the form of T-junction onto the A73. If the development on the adjoining land were to proceed a new roundabout would be required to serve both sites. This application was previously presented to Planning Committee in September 2006 for approval, subject to conditions and a Section 75 Agreement being in place. It is now being reported back to Committee as it is now considered that a Section 75 Agreement, relating to the construction of a roundabout on Lanark Road, is no longer required. The applicants have now gained Roads Construction Consent and have submitted a bond in relation to the access arrangements. It is considered that this will adequately safeguard construction of the roundabout in the event of it being required. The applicant has reserved the area required for road widening, should the roundabout be necessary in the future.

- 4.2 In the absence of play provision within the application site, a financial contribution of £12,600 has been paid by the developer towards the improvement of recreational facilities in the area.

5 Relevant Government Advice/Policy

- 5.1 SPP3: Planning for Housing, provides that care should be taken to guide development to the right locations. The overall design of development should be fully addressed, including access to the site. SPP1: The Planning System, provides that the planning system guides the future development and use of land in cities, towns and rural areas in the long-term public interest.

6 Conclusions

- 6.1 Due to the requirement for a possible roundabout in the future, a Section 75 Agreement was initially sought with both the applicants and the adjoining landowner. However, agreement was never reached between both parties and it was decided that an agreement should be sought with the applicants only in order to reserve land in their title for this feature. After careful consideration, it is now considered that a Roads Bond is sufficient to guarantee the future roundabout, should it be required, thereby removing the necessity for a Section 75 Agreement. It should be noted that the adjoining landowner has yet to submit an application while work has started on the application site, consistent with the consent for two dwellings already issued. As a result, it is not considered appropriate to hold up the applicant's development as it can proceed independently of the adjoining site. The applicant has submitted a Roads Bond in this respect. The roundabout, however, will only require to be constructed prior to any works commencing on the adjoining second site. For the avoidance of doubt, if the potential development site does not go ahead within a certain timeframe, there will be no need for the roundabout to be constructed.

7 Employee Implications

- 7.1 None

8 Financial Implications

- 8.1 None

9 Other Implications

- 9.1 None

10 Consultation

- 10.1 Consultation was carried out with SEPA, Scottish Water, Roads & Transportation Services and Environmental Services in respect of the application.

Iain Urquhart
Executive Director (Enterprise Resources)

12 March 2007

Previous References

- ◆ Reports to Planning Committee 12 April 2005 and 26 September 2006

List of Background Papers

◆ None

Contact for Further Information

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

Jim Lennon (Planning Officer), South Vennel, Lanark

Ext: 3126 (Tel: 01555 673126)

E-mail: Enterprise.lanark@southlanarkshire.gov.uk