

	<h1>Report</h1>	Agenda Item <h1>12</h1>
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Report to:	Planning Committee
Date of Meeting:	26 April 2005
Report by:	Executive Director (Enterprise Resources)

Application No	CL/04/0911
Planning Proposal:	Formation of 11 House Plots, Vehicular Access and Landscaping

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Auchlochan Developments Ltd
- Location : Land to south of Brocketsbrae Road,
Brocketsbrae
Lesmahagow

2 Recommendation(s)

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

- (1) GRANT DETAILED PLANNING PERMISSION (SUBJECT TO CONDITIONS – BASED ON CONDITIONS LISTED)

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) A financial contribution of £4,950 will be required from the developer towards the cost of improving leisure facilities in the area prior to the release of planning permission.
- (3) All staffing and administration costs (in the region of £5,000) incurred by Roads and Transportation Services in connection with the introduction of a Traffic Regulation Order (30 mph speed limit on Brocketsbrae Road) shall be funded by the applicant. This will include the physical measures required to implement the Order.

3 Other Information

- ◆ Applicant's Agent: G. Taylor Associates
- ◆ Council Area/Ward: 03 Lesmahagow
- ◆ Policy Reference(s): Lower Clydesdale Local Plan (Adopted)
- Proposal RES2 Proposed Housing Sites

- ◆ Representation(s):
 - ▶ 7 Objection Letters

◆ Consultation(s):

S.E.P.A. (West Region)

Scottish Water

Environmental Services

Leisure Services

Roads & Transportation Services

West of Scotland Archaeology Service

Planning Application Report

1 Application Site

- 1.1 The application site, extending to 0.88 hectares, is located on the southern edge of Brocketsbrae. The site consists of agricultural land which slopes gently away from Brocketsbrae Road towards the M74 motorway.
- 1.2 The site is bounded by single and storey and a half houses to the north, on the opposite side of Brocketsbrae Road; by an existing play area to the east; by the Lesmahagow to Lanark road to the west with a small residential development site beyond; and, by further agricultural land falling to the M74 to the south.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning permission for the formation of 11 house plots, a vehicular access and landscaping. It is proposed that the plots will generally be arranged along Brocketsbrae Road in a linear form and be accessed, with the exception of Plot 1, by means of a residential access road to be taken into the site off Brocketsbrae Road opposite No. 59. The access road will run parallel with and to the south of Brocketsbrae Road. Plot 1 is to be accessed directly from Brocketsbrae Road. A 3 metre wide footpath link is to be formed from the western extremity of the access road running north to link with Brocketsbrae Road. Peripheral landscape planting is to be provided to the south of the application boundary in order to define the settlement edge.
- 2.2 The application as originally submitted showed one of the plots extending beyond the settlement boundary into the rural area. The applicant has now submitted an amended layout excluding that element of the proposal.

3 Background

3.1 Local Plan Status

The application site is identified as a RES 2 Residential Development Site (H56) in the adopted Lower Clydesdale Local Plan.

3.2 Relevant Government Advice / Policy

SPP3 Planning for Housing advises that most housing requirements should be met within or adjacent to existing settlements, making efficient use of existing infrastructure and services and helping to protect rural amenity.

3.3 Planning History

There is no relevant planning history relating to this site. Planning permission was, however, granted for the erection of 4 dwellings on the residential development site to the west of this site on 13/04/04 under reference CL/04/0099.

4 Consultation(s)

- 4.1 **Scottish Water** – confirm that a public water supply is located adjacent to the site and that there is a public sewerage system to which connection can be made from the site. Surface water drainage should be treated by means of a SUDS system.
Response: Noted. The applicant has incorporated a SUDS scheme into the development proposal and implementation of this can be controlled by condition.

4.2 Roads and Transportation Services – advise that they have no objection to this proposal subject to conditions and provided that the applicant can secure the introduction of a 30mph speed limit on Brocketsbrae Road.

Response: The applicant has agreed to pay for the introduction of a Traffic Regulation Order in connection with the 30mph speed limit on Brocketsbrae Road. The remainder of the issues can be covered by means of condition.

4.3 Scottish Environment Protection Agency – have no objection to the proposal.

Response: Noted.

4.4 West of Scotland Archaeology Service – advise that there are no recorded sites directly affected by the proposal. They do, however, recommend that a prior archaeological evaluation of the site be carried out, or failing this, that a suspensive condition be attached to any consent requiring archaeological evaluation of the site prior to development commencing.

Response: a suspensive condition can be attached to ensure that satisfactory archaeological evaluation is carried out.

4.5 Environmental Services – have no objection, subject to conditions, including submission of a Noise Impact Assessment.

Response: these issues can be controlled by means of condition.

4.6 Leisure Services – the adjacent play area would benefit from improvement; the southern boundary of the site should be screen planted to provide a settlement edge.

Response: the applicant has agreed to make a financial contribution to improve leisure provision in the area. The boundary planting can be controlled by means of condition.

5 Representation(s)

5.1 The application was advertised as Development Potentially Contrary to the Development Plan as the original layout encroached slightly into the rural area. Following this and neighbour notification, 7 letters of objection have been received. The grounds of objection are summarised as follows:

(a) Surface water drainage in the area is poor and this has lead to flooding.

Response: Treatment of surface water on the site will be the subject of a SUDS scheme. In addition, ground levels are generally falling away from adjacent houses meaning that development of this site is unlikely to exacerbate any existing problem.

(b) This proposal, read in conjunction with other residential development in the area, will lead to over-development; the layout does not respect local character and will alter the general character of the village.

Response: The principle of residential development of the application site is established in the adopted local plan. I am also satisfied that the proposed layout respects the linear character of Brocketsbrae. If committee agree to grant consent to this proposal it is my intention to attach a condition to the consent to ensure the design and orientation of the proposed dwellings is appropriate to the rural location.

- (c) **If granted, the proposal will give the developer access to the remainder of the field between the proposed new development and the M74 motorway so that in the future, the developer would put forward a further proposal for planning, thus hugely increasing the housing within our small settlement.**

Response: The area of ground to which the objector refers is outwith the current application site and as such is not subject to assessment. I therefore cannot comment or speculate on the developer's future plans.

- (d) **Concerns over road safety, in particular concerns over the current 60 mph speed limit, position of vehicular access to the site, lack of pavements, condition of road surface, lack of off street parking, congestion caused by parked cars, especially during use of the adjacent Public Hall. The safety of children attending events in the Public Hall and using the playground is also of concern.**

Response: The Roads Service offer no objections to the proposal, subject to certain conditions. I am satisfied that with the imposition of conditions, the proposal will not have a significant impact on amenity or road safety. The applicant has agreed to pay for the introduction of a Traffic Regulation Order in connection with the 30mph speed limit on Brocketsbrae Road.

- (e) **Planning permission was refused many years ago for the same piece of ground, the applicant appealed the decision which was ultimately dismissed. All of the reasons for the original refusal and subsequent rejection of the appeal are equally valid today.**

Response: It may be that the local plan policies at that time did not support development of the site. The current planning policy contained in the adopted local plan does support development of this site.

- (f) **If this development is granted, a restriction should be placed on the consent ensuring no lorries, machinery, or cars belonging to the site park on Brocketsbrae Road.**

Response: Such a condition would not be lawful but the layout allows for adequate parking within the development.

- (g) **Concern over the amenity of the future residents given the noise from the adjacent motorway.**

Response: If committee agree to grant consent for this proposal, I intend to attach a suspensive condition on the consent requiring the applicant to submit a noise impact assessment prior to work commencing on site.

- (h) **Local schools are overstretched.**

Response: Education Services have not objected to this proposal.

- (i) **Concern over loss of outlook.**

Response: This is not a material planning consideration.

- (j) **Neighbour notification was served during the festive season, when individuals are distracted and too busy to attend the Council offices and view the plans.**

Response: I am satisfied that the statutory neighbour notification procedure was followed. The Council allows three weeks for individuals to view plans and make representations. Representations can be accepted up to the day

the application is reported to Committee. It should also be noted that this particular application was advertised in the press.

These letters have been copied and are available for inspection in the usual manner.

6 Assessment and Conclusions

- 6.1** The determining issue that requires to be addressed when assessing this proposal is its conformity to local plan policy.
- 6.2** The site is covered by Policy RES2:Residential Development Site of the adopted Lower Clydesdale Local Plan. This policy states that the Council will promote the development of the site, as such I consider the principle of residential development has been established through the local plan process. I am satisfied that the plot sizes and layout are adequate to allow future dwellinghouses to comply with the Council's Residential Development Guide. The Council's Roads Service have no objections to the proposal in terms of traffic safety subject to conditions and provision of a 30mph speed limit on Brocketsbrae Road.
- 6.3** After carefully considering all relevant issues, I am of the view that the proposal is consistent with local plan policy.

Iain Urquhart
Executive Director (Enterprise Resources)

18 April 2005

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
 - Roads and Transportation Services (South Division) 22/03/05
 - Scottish Water 17/03/05
 - S.E.P.A. (West Region) 21/01/05
 - Environmental Services 02/02/05
 - West of Scotland Archaeology Service 15/02/05
 - Leisure Services 7/02/05
- ▶ Representations
 - Representation from : Mr & Mrs A Kirkwood, 59 Brocketsbrae Road, Lesmahagow
DATED 24/01/05

- Representation from : J Adkin, Jam Cottage, 63 Brocketsbrae Road, Lesmahagow
DATED 24/01/05
- Representation from : J. Robertson, Woodend, 41 Brocketsbrae Road,
Lesmahagow
DATED 31/12/04
- Representation from : J & C. Callan, Braedale, 39 Brocketsbrae Road,
Lesmahagow
DATED 12/01/05
- Representation from : Robert J. Carrick, 53 Brocketsbrae Road, Lesmahagow
DATED 14/01/05
- Representation from : Norman Boyd, 47 Brocketsbrae Road, Lesmahagow
DATED 14/01/05
- Representation from : S & T Roarty, Midhurst, Brocketsbrae Road, Lesmahagow
DATED 06/01/05

Contact for Further Information

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

Gail Rae, Planning Officer, South Vennel, Lanark
Ext: 3205 (Tel : 01555 673205)
E-mail: Enterprise.lanark@southlanarkshire.gov.uk

CONDITIONS

- 1 That the development hereby permitted shall be started within five years of the date of this permission.
- 2 That before the expiration of five years from the date of this permission and before any development starts, a written application and plans in respect of the following matters shall be submitted to and approved by the Council as Planning Authority:
 - (a) a site layout plan showing the position of all buildings, roads, footpaths, parking areas (distinguishing where appropriate between private and public spaces), walls, fences, landscaping, open space and recreational provision;
 - (b) plans and elevations of each house and garage type showing their dimensions and type and colour of materials;
 - (c) a landscaping plan showing the location, species and ground spread of existing and proposed trees, shrubs and hedges;
 - (d) detailed cross-sections of existing and finished ground levels and finished floor levels, in relation to a fixed datum, preferably ordnance datum.
- 3 That for the avoidance of doubt, no consent is hereby given to the text contained on the approved plans relating to Road and Plot Layout outlined in yellow.
- 4 That before development starts a Phase 1 or Desk Study, to review all currently available information about the historical uses of this site, shall be carried out to determine any types of contamination likely to be encountered and possible pathways to sensitive receptors shall be submitted to and approved by the Council as Planning Authority. If this investigation gives any indication of the potential for contaminants to be present, development shall not begin until a full intrusive survey has been carried out and its findings submitted to and, approved by the Council as Planning Authority. This survey shall clearly document the methodology, findings and results. The risks posed by the presence of pollutants in relation to sensitive receptors shall be assessed to current guidelines and, where appropriate recommendations for further investigations or remediation options to reduce these risks identified.
- 5 That prior to the commencement of development, details of the surface drainage work (including a Sustainable Urban Drainage System) shall be submitted to, approved, and thereafter implemented to the satisfaction of the Council as Planning Authority.
- 6 That prior to the commencement of development, a report addressing the issue of noise including information relating to any necessary noise insulation proposals to reduce noise affecting both the internal and external environments of this proposed development shall be submitted to, approved in writing by the Council as Planning Authority and thereafter, any necessary attenuation measures implemented to the satisfaction of the Council as Planning Authority prior to occupation of the individual dwellinghouses.

- 7 That no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.
- 8 That before any work commences on the site, a scheme of landscaping shall be submitted to the Council as Planning Authority for written approval and it shall include: (a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development; (b) details and specification of all trees, shrubs, grass mix, etc.; (c) details of any top-soiling or other treatment to the ground; (d) sections and other necessary details of any mounding, earthworks and hard landscaping; (e) proposals for the initial and future maintenance of the landscaped areas; (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.
- 9 That the landscaping scheme relating to the development hereby approved shall be carried out simultaneously with the development, or each phase thereof, and shall be completed and thereafter maintained and replaced where necessary to the satisfaction of the Council as Planning Authority.
- 10 That prior to any work commencing on the site, a maintenance management schedule for the landscaping scheme approved under the terms of Condition 8 above shall be submitted to and approved by the Council as Planning Authority. Thereafter, the landscaping shall be maintained in accordance with the approved management schedule to the satisfaction of the Council.
- 11 That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.
- 12 That notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any such order revoking or re-enacting that order), no gates, fences, walls or other means of enclosure shall be erected between the front of any dwellinghouse and the adjoining Brocketsbrae Road and Dillarburn Road without the written consent of the Council as Planning Authority.
- 13 That before the development hereby approved is completed or brought into use, a 5.5 metre wide carriageway with 6m radii and 2m wide footways on either side shall be constructed in accordance with the specification and to the satisfaction of the Council as Roads and Planning Authority.
- 14 That before any of the dwellinghouses hereby permitted are occupied, 2 car parking spaces (3 bedroomed dwelling) or 3 car parking spaces (4 bedroomed dwelling) shall be provided within the curtilage of each plot and outwith the public road or footway and shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

- 15 That before any of the dwellinghouses hereby approved are completed or brought into use, a driveway of at least 12 metres in length, or 6 metres in length with a garage, shall be provided and the first 2 metres of these accesses from the heel of the footway shall be paved.
- 16 That before any of the dwellinghouses hereby permitted are completed or brought into use, a 2m wide footpath shall be constructed along the full frontage of the site with Brocketsbrae Road as well as the footpath shown in green on the approved plans, to the satisfaction of the Council as Planning Authority.
- 17 That before any of the dwellinghouses hereby permitted are completed or brought into use, a visibility splay of 2.5 metres by 90 metres measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 1.5 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 1.05 metres in height shall be planted, placed or erected within these sight lines.
- 18 That the further application(s) required under condition 2 above shall comprise of house types, the design and siting of which, take due cognisance of the rural location, with particular regard paid to scale, massing, roof pitch, fenestration and materials; and shall be in accordance with the Council's approved policy on new dwellings in the Countryside.
- 19 That the further application(s) required under condition 2 above shall show the proposed dwellinghouses on plots 3 and 2 with a front elevation orientated onto Dillarburn Road; plot 1 with front elevations orientated onto both Dillarburn Road and Brocketsbrae Road; and plots 4, 5, 6, 7, 8 and 9 all with a front elevation orientated onto Brocketsbrae Road; to the satisfaction of the Council as Planning Authority.
- 20 That no building to be erected on the site shall exceed one storey in height unless it can be demonstrated that roof accommodation can be provided that will not adversely affect the amenity of the area.

REASONS

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 Consent is granted in outline only.
- 3 In order to retain effective planning control
- 4 To ensure the site is free from contamination
- 5 To ensure the provision of a satisfactory land drainage system.
- 6 In the interests of amenity.
- 7 To ensure that provision is made to address areas of archaeological interest.
- 8 In the interests of the visual amenity of the area.
- 9 In the interests of amenity.
- 10 In the interests of amenity.
- 11 These details have not been submitted or approved.
- 12 To ensure an appropriate boundary treatment is incorporated in the site
- 13 In the interest of public safety
- 14 To ensure the provision of adequate parking facilities within the site.
- 15 To prevent deleterious material being carried into the highway.

- 16 In the interest of public safety
- 17 In the interest of public safety
- 18 In the interests of amenity and to ensure the satisfactory integration of the new dwellinghouses within the village of Brocketsbrae
- 19 In the interests of amenity and to ensure the layout of the development accords with the existing character of the village of Brocketsbrae
- 20 In the interests of amenity

For information only

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