

	<h1>Report</h1>	<b>Agenda Item</b>  <h2>8</h2>
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Report to: **Planning Committee**  
 Date of Meeting: **23 March 2010**  
 Report by: **Executive Director (Enterprise Resources)**

Application No CL/09/0472  
 Planning Proposal: Subdivision Of Garden Ground And Erection Of Dwellinghouse  
 (Planning Permission In Principle)

## 1 Summary Application Information

- Application Type : Permission in principle
- Applicant : Mr & Mrs Gordon Jackson
- Location : Ar Dachaidh  
Woodhall Road  
Braidwood ML8 5NF

## 2 Recommendation(s)

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

- (1) Grant Planning Permission in Principle (Subject to conditions – Based on the Conditions Listed)

### 2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine the application

## 3 Other Information

- ◆ Applicant's Agent: None
- ◆ Council Area/Ward: 01 Clydesdale West
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (Adopted)**  
 Policy STRAT3: The Green Belt and Urban Settlements in the Green Belt  
 Policy CRE1: Housing in the Countryside  
 Policy DM5: Sub-division of Garden Ground  
 Policy ENV4: Protection of the Natural and Built Environment  
 Policy ENV29: Area of Great Landscape Value  
 Policy ENV20: Natura 2000 Sites  
 Policy ENV26: Sites of Special Scientific Interest

- ◆ Representation(s):
  - ▶ 2 Objection Letters
  - ▶ 0 Support Letters
  - ▶ 0 Comments Letters

◆ Consultation(s):

Environmental Services

Scottish Water

Roads and Transportation Services (South Division)

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

Scottish Natural Heritage

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site consists of part of the rear garden of a dwellinghouse known as Ar Dachaidh on Woodhall Road to the south of Braidwood. The garden area is generally flat and currently consists of a grassed area bounded by mature shrubs and hedges. The existing dwellinghouse is a single storey bungalow with two garages to the rear. The site is bounded to the north by Woodhall Road, beyond which is agricultural land. Two dwellinghouses sit each side of the application site to the east and west, resulting in a grouping of five houses at this location. To the rear is a woodland area and a steep gorge with the Fiddler Burn running through it. The land to the rear is classed as a Special Area of Conservation (Clyde Valley Woods) and is also a Site of Special Scientific Interest (Fiddlers Gill). A path runs along this boundary which is classed as a right of way.

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

- 2.1 The applicants seek planning permission in principle for the erection of a dwellinghouse on the land to the rear of their existing dwelling. The existing vehicular access would be used to serve both properties. The proposed plot is 25 metres wide, and 48 metres in length at its deepest point and 22 metres at its shortest. The submitted plan indicatively shows a building zone where the proposed house would sit on the plot. This shows that the proposed dwelling would sit at least 29 metres from the rear elevation of the host dwellinghouse.

### **3 Background**

#### **3.1 Local Plan Background**

- 3.1.1 The application site is located outwith the settlement boundary of Braidwood in an area zoned as greenbelt land. Policy STRAT3: The Green Belt and Urban Settlements in the Green Belt of the adopted South Lanarkshire Local Plan is therefore relevant. Policy CRE1: Housing in the Countryside, Policy DM1: Development Management, Policy DM5: Sub-division of Garden Ground also apply. The site is located within the Area of Great Landscape Value so Policy ENV4: Protection of the Natural and Built Environment and Policy ENV29: Area of Great Landscape Value are relevant. As the site is adjacent to a Site of Special Scientific Interest and Special Area of Conservation policies ENV20 and ENV26 apply.

#### **3.2 Government Advice/Policy**

- 3.2.1 The Scottish Planning Policy document published by the Scottish Government on 4 February this year states that the aim should be to enable development in all rural areas which supports prosperous and sustainable communities whilst protecting and enhancing environmental quality. It further advises that development plans should support more opportunities for small scale housing development in all rural areas, including extensions to existing clusters and groups.
- 3.2.2 On the section on Green Belts, the SPP states that green belt designation should be used to direct development to suitable locations and not simply prevent development from happening. It goes on to state that new development in the green belt must be of a suitable scale and form for the location. Many uses will only be appropriate when the intensity is low and any built elements are ancillary to the main use, small scale and of high quality design. Where a proposed use would not normally be consistent with green belt designation, exceptionally it may still be considered appropriate, either as a national priority or to meet an established need, and only if no other suitable site is available.

### 3.3 **Planning Background**

- 3.3.1 Planning permission was granted in 1968 for the existing dwellinghouse (P/68/646). Planning permission was then granted in 1998 for the erection of an extension to the side and rear of the house (CL/98/0070).
- 3.3.2 The dwellinghouse situated adjacent to the application site to the west is known as St Oswalds and permission was refused in February 1990 for the conversion of an outbuilding to dwellinghouse to the rear of this property (P/LK/01890776). A second planning application for this proposal was also refused in August 1990 (P/LK/01900272), however consent was subsequently granted on appeal. An amendment to this consent was then granted in 1992 (P/LK/01920560). It should be noted that at this stage the outbuilding, which was to be converted had been demolished and a variation was allowed for new-build dwelling rather than the conversion. This property is now known as Fiddlers Leap.
- 3.3.3 The dwellinghouse situated adjacent to the application site to the east is known as The Gill and planning permission was refused in April 1989 for the alteration to outbuildings to form dwellinghouse (P/LK/01890071). A subsequent planning application for a dwellinghouse was approved by Committee in July 1990 contrary to officer recommendation (P/LK/018900747). This property is known as Oakbank.

## 4 **Consultations**

- 4.1 **Scottish Water** – offer no objections as Camps Water Treatment Works has capacity to serve the development.  
**Response:** Noted.
- 4.2 **Environmental Services** – offer no objections and recommend conditions and informatives are attached to any consent granted in relation to details of refuse storage and uplift, contaminated land and construction noise.  
**Response:** Noted. Relevant conditions and informatives can be attached should consent be granted.
- 4.3 **Roads & Transportation Services** – offer no objections subject to conditions regarding suitable access, parking, turning and drainage. Existing sightlines are considered acceptable.  
**Response:** Noted. Relevant conditions and informatives can be attached should consent be granted.
- 4.4 **SEPA** – confirm that they have no objection. They consider that insufficient information has been provided regarding the foul drainage and that discharge of treated sewage effluent to a watercourse is unlikely to be acceptable. They further advise that the preferred method for disposal of septic tank effluent is the provision of a sub soil soakaway and that this system should be investigated.  
**Response:** Noted. The applicants have been advised of SEPA's comments and confirm that the existing house is served by a septic tank and partial soakaway. The applicants intend to install a new partial soakaway arrangement to serve both houses. The applicants have shown on the indicative plan how this arrangement would work. The soakaway would connect to an overflow manhole which would in turn connect to the existing outfall pipe. They confirm that there would be no disturbance to the ground outwith the application site. SEPA have confirmed that they have no objection to this arrangement but that the applicants will have to obtain the necessary license consents from them. The applicants are aware of this requirement.

- 4.5 **Scottish Natural Heritage** – object to the proposal as they consider it could have potentially serious adverse impacts on Clyde Valley Woods SAC and Fiddlers Gill SSSI. They advise that they have insufficient information to assess these impacts fully. They therefore ask that details of the foul drainage arrangements for the proposed development including confirmation of whether it is necessary to undertake any works within the boundary of the SAC are submitted.

**Response:** Noted. The applicants have been advised of SNH's comments and they confirm that the intention is to install a new septic tank and partial soakaway system which would connect to the existing outfall pipe. In view of this no works will take place outwith the application site on the Clyde Valley Woods SAC and Fiddlers Gill SSSI. SNH were provided with this information and they advise that if consent is granted conditions should be attached restricting any works, storage or dumping of materials within the SAC and the delineation of a root protection area to protect trees within the SAC. They confirm that they no longer object to the proposal so long as these conditions are attached to any consent.

## 5 Representation(s)

- 5.1 Following the carrying out of statutory neighbour notification and advertisement of the proposal in the local press as Development Contrary to the Development Plan and non-notification of neighbours, 2 letters of objection were received including one from the Scottish Wildlife Trust. The contents of the letters are summarised as follows:

- (a) **Concerns that the existing septic tank is at its limit and would be unable to cope with an additional dwellinghouse. As a consequence the objector is concerned about the impact on the Fiddlers Gill wooded area and potential smell from the tank.**

**Response:** The applicant has confirmed that a new septic tank and partial soakaway will be installed which will connect to the existing outfall pipe. SEPA have confirmed that they have no objection to this arrangement but that the applicant will have to obtain the relevant license and consents. I am therefore satisfied that the drainage proposals will be designed to the required specifications and will be regulated by SEPA. There will be no impact on the wooded area to the rear and conditions can be attached to ensure this area is protected.

- (b) **Concerns about the condition of the single track, Woodhall Road and the impact an additional dwellinghouse would have upon it.**

**Response:** The Council's Roads and Transportation Services were consulted and offer no objections to the proposal. I do not consider that the introduction of an additional single dwellinghouse will have a significant impact on traffic generation in the area.

- (c) **Concerns that the development of this site would result in this part of Woodhall Road looking like the top end of Woodhall Road.**

**Response:** The objector refers to the area at Yett Holm which is mostly located within the settlement boundary of lower Braidwood, around 600 metres to the north of the application site. Various developments have taken place at this location including a house extension, erection of stables, formation of an equestrian training yard and the development of a two storey dwellinghouse, which is currently under construction. The nature of the application site, which sits to the rear of an existing dwelling and would not be easily seen from the public road is different to the development taking place at the top end of Woodhall Road.

- (d) **Objector considers that the additional house will intensify the grouping and will be the closest of the group to the SSSI/SAC. Because of its location immediately adjacent to the Fiddlers Gill site, there is a risk that the local amenity will be adversely affected. This would make the development contrary to Policy CRE1.**

**Response:** The applicants have shown an indicative building zone for the proposed house which would not be any closer to the SSSI/SAC than existing adjacent properties. Conditions could be attached to control the building line of the proposed house, to ensure no works, storage or dumping of materials takes place within the SAC and to delineate a root protection area for the trees. I therefore do not consider that the local amenity of the Fiddlers Gill will be adversely affected. A full assessment of the proposal against the relevant local plan policies is contained under Section 6.0 Assessment and Conclusions section of this report.

- (e) **The proposed development will be shaded to a significant extent by the existing oak trees in the SSSI. The trees are likely to increase in both height and spread over the next 50 years or so and there is a risk that trees within the SSSI may be adversely affected to address this issue.**

**Response:** I do not consider that the development will be shaded to any significant degree. The position of the house would be some 20 to 30 metres from the trees and a condition could be attached to delineate a root protection zone. The occupier of any house on the site would have no control over the removal of any trees from this area.

- (f) **Garden waste is already being deposited into the SSSI adjacent to the group of houses. This presents a serious risk to the introduction of alien plants to the detriment of the SSSI.**

**Response:** This is not a material planning consideration.

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

## **6 Assessment and Conclusions**

- 6.1 The applicants seek planning permission in principle for the subdivision of their existing garden and the erection of a dwellinghouse. The determining issues which require to be taken into account in the assessment of this application are compliance with local plan policy and planning history.
- 6.2 The site is located outwith the settlement of Braidwood, in the greenbelt area where Policy STRAT3: The Green Belt and Urban Settlements in the Green Belt of the adopted South Lanarkshire Local Plan applies. This policy states that there shall be a general presumption against all development except where it can be shown to be necessary for the furtherance of agriculture, horticulture, forestry, recreation, or where development forms part of a larger proposal for the rehabilitation or change of use of disused or redundant traditional buildings where this consolidates such groups. Any housing development should comply with Policy CRE1.
- 6.3 The proposed use does not fall within any of the categories listed under Policy STRAT3 as it is not necessary for the furtherance of agriculture, horticulture, forestry or recreation and does not constitute rehabilitation of existing buildings. In terms of policy CRE1, this sets out the exceptional circumstances where new houses will be acceptable and includes agricultural dwellings, houses in association with existing or

proposed businesses, the conversion of existing buildings or replacement houses. None of these circumstances apply and therefore the proposal cannot be justified under policy CRE1. In view of this I consider the proposal does not comply with Policy STRAT3.

- 6.4 In this particular circumstance I consider that there are other material considerations that outweigh the above policy. Government advice on development in the Green Belt in the recently published SPP states this designation should not prevent development from happening. In addition, the site of the proposed dwellinghouse is located within an existing grouping of buildings and would not extend beyond the boundary of this grouping. As the proposed dwelling would be situated within the rear garden of an existing property and would not have a frontage onto a road, the proposal would be classed as a backland development. Generally, backland development is not considered acceptable, however in this instance I consider the planning history of the area is of particular relevance. Five dwellinghouses exist at this particular section of Woodhall Road, three of which are orientated onto Woodhall Road, however two dwellinghouses have been constructed either side of the proposed plot, both of which are located to the rear of existing dwellings. Given that the principle of backland development has been established at this location by the past planning decisions, I consider the principle of the development proposal is acceptable and an exception to Green Belt policy can be made.
- 6.5 In terms of assessing whether the application site is acceptable, Part I of CRE1 – Housing in the Countryside states that all new housing proposals in the countryside must be assessed against various criteria. Development should not extend, expand or intensify a grouping to the detriment of local amenity or traffic safety, the scale, design and location should not adversely affect the character and amenity of the surroundings, it should integrate well with the adjoining development, it should meet access and parking standards and should be readily provided with services such as water, drainage and sewerage, and all new houses should incorporate on-site renewable energy equipment.
- 6.6 As stated in paragraph 6.3 above, the proposal does not comply with Policy STRAT3 so therefore the proposal does not strictly comply with Policy CRE1, however there is still merit in assessing the proposal against the criteria in this policy. The site itself is not easily seen from wider views due to its location to the rear of an existing dwelling and the backdrop of mature woodland. The proposal will not impact on the Clyde Valley Woods SAC and Fiddlers Gill SSSI situated to the rear. The applicants have advised that their intention is to construct a single storey dwelling, modest in size. As the application is only 'in principle' at this stage, no details of design have been submitted, however should consent be granted, conditions can be attached to restrict storey height, building line and to ensure the design and materials respect the rural setting. There are no infrastructural issues with this application and a condition could be attached to ensure the further application includes on site renewable energy equipment. I consider that the proposal is not at odds with the criteria contained under Part I of Policy CRE1.
- 6.7 Policy DM5: Sub-division of Garden Ground is also relevant. This policy states that there will be a presumption against the development of a new house within the curtilage of an existing house unless all of the following criteria listed in the policy can be met:
- (a) The proposed house plot and that remaining to the existing house are compatible with those nearby in terms of size, shape, and amenity (ie the

proposal accords with the established pattern of development in the surrounding area).

Response: The proposed house plot is similar in size to the curtilages of the adjacent dwellinghouses and forms a natural infill of the remaining land within this grouping of dwellings. The remaining dwelling will also have an adequately sized curtilage similar to the adjacent dwellings.

- (b) The proposed house will have a proper road frontage of comparable size with those of surrounding curtilages.

Response: The proposed house will not have a proper road frontage as it is situated in a backland position. The proposed vehicular access will run along the side of the existing dwellinghouse. The proposal therefore does not comply with this criterion. However two adjoining properties have similar arrangements while Roads and Transportation Services have not raised any road safety issues.

- (c) The proposed vehicular access is of an adequate standard and will not have adverse implications for traffic safety or adversely affect the amenity of adjacent properties by virtue of noise or loss of privacy.

Response: The Council's Roads Service have confirmed that they have no objections to the vehicular access. The applicant has shown that existing hedging will be removed to improve the visibility at the entrance. The applicants propose to use the existing vehicular access to serve both the existing and proposed dwellings, which would run along the side of the existing dwelling. There is an existing mature hedge running along the route of the proposed vehicular access which will act as a buffer preventing privacy and significant noise issues from passing cars. In addition it should be noted that the vehicular access for the adjacent dwellinghouse is located between the neighbour's house and the proposed vehicular access, again helping to reduce any impact on the neighbouring property.

- (d) The garden space allocated to the proposed house and remaining for the existing house should be sufficient for the recreational, amenity and drying needs of the occupants.

Response: The proposed plot and the remaining garden area for the host house meet the size required in the Council's Residential Development Guide and as such is sufficient in size.

- (e) The proposed development will not cause an unacceptable reduction in privacy to existing houses and will, itself, enjoy a degree of privacy comparable with surrounding dwellings.

Response: The proposed plot is well screened by existing mature hedges on either side and the backdrop of the woodland area to the rear means there are no privacy issues. The application is 'in principle' only at this stage, so details of window positions are not available, however I consider the proposed house can be positioned on the plot a sufficient distance from the rear elevation of the host house so that there would be no overlooking issues.

- (f) The proposed development will not overshadow adjacent properties to a degree which results in a loss of amenity or itself be adversely affected by overshadowing.

Response: The plot is sufficiently large enough to ensure that overshadowing would not be an issue. In addition, conditions could be attached in relation to distance between dwellings and storey height.



- (g) All existing features such as trees, hedges, walls, fences and buildings that contribute to the character of the area will be retained and not adversely affected by the development.  
Response: The hedges to the rear of the existing dwelling will be retained, and no trees to the rear of the plot will be removed. Some shrubs and hedging to the front of the existing dwellinghouse will require to be removed to provide the proposed vehicular accesses. However this is in control of the applicant and will improve the existing visibility splays. The removal of the hedges at the front of the property will not adversely affect the character of the area.
- (h) Adequate parking for both the proposed and existing house must be provided within the site and must not be harmful to the established character and amenity of the area.  
Response: The applicant has provided an indicative plan which shows that both the existing house and proposed house has space for at least 3 spaces in each curtilage. Adequate turning facilities can also be accommodated. The parking provision can be discretely positioned and does not cause any harm to the established character and amenity of the area.
- (i) The proposed house must be of a scale, massing, design and materials sympathetic to the character and pattern of development in the area and must not result in a development that appears cramped, visually obtrusive or be of an appearance which is so out of keeping with the established character that it is harmful to the amenity of the area.  
Response: The application is 'in principle' so no details of scale and design are available at this stage. Suitable conditions can be attached to any consent granted to ensure the design of the proposed dwelling respects the rural character of the area and the existing dwellinghouses. In addition storey height and a building line can also be controlled. I do not consider that the proposal will have a cramped or visually obtrusive appearance as it constitutes an appropriate infill development in this particular circumstance, finishing off the existing grouping of dwellings.
- (j) The proposal must not jeopardise or be prejudicial to any further desirable development in the vicinity.  
Response: The proposal does not impact on any desirable development in the vicinity.
- (k) The proposal will not result in an adverse effect on built heritage and/or nature conservation interests.  
Response: As outlined in section 4 of the report, the proposal will not adversely effect any built or natural heritage interests.

In view of the above I consider the proposal meets the terms of this policy.

- 6.8 The application site is located within an Area of Great Landscape Value (AGLV) and is bounded to the rear by a Special Area of Conservation (Clyde Valley Woods) and a Site of Special Scientific Interest (Fiddlers Gill). As such, the proposal should be assessed against Policy ENV29: Areas of Great Landscape Value and ENV4: Protection of the Natural and Built Environment. Policy ENV29 states that development within the AGLV will only be permitted if it satisfies the requirements of policy STRAT3 and can be accommodated without adversely affecting the overall quality of the landscape, and which preserves those features which contribute to the area's distinctiveness – these include the setting of buildings within the landscape,

patterns of woodland, the special qualities of river corridors and prominent views. Policy ENV4: Protection of the Natural and Built Environment states that in areas of national and local/regional importance development will only be permitted where the objectives of the designation and the overall integrity of the area can be shown not to be compromised. As detailed in paragraph 6.3 above, the proposal does not comply with Policy STRAT 3 however a reasoned exception to that policy has been set out. In terms of impact on the landscape character of the area, the site is self-contained within an existing grouping of dwellings and would not be seen from wider views. The development will also not impact on the environmental designated areas to the rear of the site as the plot is restricted to the applicant's curtilage and does not extend into the land to the rear. In addition to this, conditions can be attached to ensure no works, storage or dumping of materials takes place in this area, and to delineate a root protection area for the trees.

6.9 Overall, I recommend that planning permission be granted and that in this case a departure from the local plan can be justified for the following reasons:

- (i) The principle of backland development has already been established by the dwellings that straddle the application site;
- (ii) The site is considered an appropriate infill development, rounding off an existing grouping of buildings;
- (iii) The scale and form of the dwellinghouse would be similar to that of the existing dwellings in the immediate vicinity;
- (iv) The site is self-contained by woodland to the rear, mature hedges to on each side boundary, and cannot be viewed easily from the public road due to the position of the host dwellinghouse;
- (v) There would be no impact on the residential amenity of existing properties;
- (vi) The overall objectives of Green Belt policy would not be compromised.
- (vii) There are no infrastructural issues

## **7.0 Reasons for Decision**

7.1 For the reasons set out in 6.9 above.

**Colin McDowall**  
**Executive Director (Enterprise Resources)**

**15 March 2010**

## **Previous References**

- ◆ P/68/646
- ◆ CL/98/0070
- ◆ P/LK/01890776
- ◆ P/LK/01900272
- ◆ P/LK/01920560

- ◆ P/LK/01890071
- ◆ P/LK/01890747

## List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
 

Scottish Water	11/11/2009
Scottish Natural Heritage	12/11/2009 & 10/03/2010
Roads and Transportation Services (South Division)	11/11/2009
Environmental Services	26/11/2009
S.E.P.A. (West Region)	09/12/2009
Scottish Natural Heritage	12/11/2009
- ▶ Representations
 

Representation from :	James Hamilton, , DATED 20/11/2009
Representation from :	Scottish Wildlife Trust, F.A.O. Peter Murray (Lanark Area Members Centre), 279 Merry Street, Motherwell, ML1 4BJ, DATED 19/11/2009

## Contact for Further Information

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

Gail Rae  
 (Tel :01555 673205 )  
 E-mail: [Enterprise.lanark@southlanarkshire.gov.uk](mailto:Enterprise.lanark@southlanarkshire.gov.uk)

Permission in principle

PAPER APART – APPLICATION NUMBER : CL/09/0472

## CONDITIONS

- 1 This decision relates to drawing numbers: 1, 2 & 3
- 2 Prior to the commencement of development on site, a further application(s) for the approval of the matters specified in this condition must be submitted to and approved by the Council as Planning Authority. These matters are as follows:
  - (a) the layout of the site, including all roads, footways, parking areas and open spaces;
  - (b) the siting, design and external appearance of all building(s) and any other structures, including plans and elevations showing their dimensions and type and colour of external materials;
  - (c) detailed cross-sections of existing and proposed ground levels, details of underbuilding and finished floor levels in relation to a fixed datum, preferably ordnance datum.
  - (d) the means of access to the site;
  - (e) the design and location of all boundary treatments including walls and fences;
  - (f) the landscaping proposals for the site;
  - (g) the means of drainage and sewage disposal.
  - (h) submission of an energy statement which demonstrates that on-site zero and low carbon energy technologies contribute at least an extra 10% reduction in CO2 emissions beyond the 2007 building regulations carbon dioxide emissions standard.
- 3 Unless development commences, planning permission in principle expires 2 years from approval of the specified matters being granted, or if different matters are approved on different dates, then 2 years from the date of the last approval.
- 4 The application(s) for approval of these further matters must be made to the Council as Planning Authority before whichever is the latest of the following:
  - (a) expiry of 3 years from when permission in principle was granted
  - (b) expiry of 6 months from date when an earlier application for approval was refused, and
  - (c) expiry of 6 months from date on which an appeal against the refusal was dismissed.

Approval of the further specified matters can be made for -

- (i) different matters, and
- (ii) different parts of the development at different times.

Only one application for approval of matters specified in conditions can be made after 3 years from the grant of planning permission in principle.

- 5 The energy statement required by condition 2 above, shall include:
  - a) the total predicted energy requirements and CO2 emissions of the development, clearly illustrating the additional 10% reduction beyond the 2007 building regulations CO2 standard;

- b) a schedule of proposed on-site zero and low carbon energy technologies to be included in the development and their respective energy contributions and carbon savings;
- c) an indication of the location and design of the on-site energy technologies; and
- d) a maintenance programme for the on-site zero and low carbon energy technologies to be incorporated.

The approved on-site zero and low carbon energy technologies shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter be maintained and shall remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the Council as Planning Authority.

- 6 That no building to be erected on the site shall exceed single storey in height.
- 7 That notwithstanding the terms of Condition 2 above, the design and siting of any dwellinghouse on the site shall take due cognisance of the rural location, with particular regard being 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.
- 8 That the total number of dwellinghouses within the site shall be no more than one.
- 9 That the building line of the dwellinghouse shall not extend any further towards the rear of the site than the building line of the adjacent dwellinghouse known as Fiddler's Leap situated to the south-west of the application site.
- 10 That the further application required under the terms of condition 2 above shall include the following to serve both the proposed house and the existing house; a 3 metre minimum width dropped kerb verge crossing, heel kerb to be laid flush to delineate edge of the public road, hard surfaced for the first 4.0 metres behind the edge of the public road; parking to be provided as per Guidelines for Development Roads; turning facilities which do not conflict with parking arrangements to allow vehicles to enter and exit the site in forward gear; and a drainage system capable of preventing any water from flowing onto the public road or into the site from the public road or surrounding land to be provided and maintained at the applicant's expense, this will include a drainage system that prevents water from any driveway discharging to the carriageway.
- 11 That before the dwellinghouse hereby approved is completed or brought into use, the existing visibility splays of 2.5 metres by 40 metres to the north-east and 2.5 metres by 60 metres to the south-west 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.
- 12 That the further application required under condition 2 above shall include details of facilities for the storage of refuse within the site, including design, location, external finishes and access for its uplift, and no dwelling unit shall be occupied until these facilities have been provided in accordance with the approved scheme or such alternative as may be agreed in writing with the Council as Planning Authority.

- 13 a) Prior to commencement of any works on site, a comprehensive site investigation carried out to the appropriate Phase level, shall be submitted to and approved in writing by the Council as Planning Authority. The investigation shall be completed in accordance with the advice given in the following:
- (i) Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995);
  - (ii) Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11) - issued by DEFRA and the Environment Agency;
  - (iii) BS 10175:2001 - British Standards institution 'The Investigation of Potentially Contaminated Sites - Code of Practice'.
- (b) If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model must be formulated and these linkages must be subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages using site specific assessment criteria will require to be submitted.
- (c) If the risk assessment identifies any unacceptable risks as defined under Part IIA of the Environmental Protection Act, a detailed remediation strategy will be submitted to and approved in writing by the Council as Planning Authority. No works other than investigative works shall be carried out on site prior to receipt of the Council's written approval of the remediation plan.
- 14 That no trees within the application site shall be lopped, topped, pollarded or felled, and no shrubs or hedges shall be removed from the application site without the prior written consent of the Council as Planning Authority.
- 15 That the further application required under the terms of Condition 2 above, shall make reference to and incorporate the criteria specified within the approved South Lanarkshire Council 'Residential Development Guide'.
- 16 That no works, including vehicle access, storage or dumping of materials shall be undertaken within the boundary of the Special Area of Conservation and Site of Special Scientific Interest to the rear of the site.
- 17 That the further application required under the terms of condition 2 above shall include a Root Protection Area clearly delineated on the layout plan. The protection area is required to protect the roots of those trees located within the Special Area of Conservation which lies directly adjacent to the application site. The protection area shall be in line with the best practice guidance in 'Ancient Tree Guides No 3: Trees and Development' published by the Woodland Trust and must consist of a circle with a radius 12 times the trunk diameter of the tree, measured at 1.5 metres from ground level. The size of the protection area should be capped at a maximum of 707 square metres or a circle with a radius of 15 metres.
- 18 That prior to the commencement of any works on site the Root Protection Area shall be fenced off and the fence shall be clearly marked using coloured tape or another form of obvious marking to ensure that no vehicles or other machinery enter the protection area.

## REASONS

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 3 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 4 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 5 These details have not been provided or approved
- 6 In the interests of amenity.
- 7 In the interests of amenity and to ensure satisfactory integration of the new dwellinghouse with the designated greenbelt
- 8 In the interests of amenity.
- 9 In the interests of amenity.
- 10 In the interest of public safety
- 11 In the interest of road safety
- 12 To ensure that adequate refuse arrangements are provided that do not prejudice the enjoyment of future occupiers of the development or neighbouring occupiers of their properties, to ensure that a satisfactory external appearance is achieved and to ensure that appropriate access is available to enable refuse collection.
- 13 To ensure the site is free from contamination
- 14 To ensure the protection and maintenance of the existing trees and other landscape features within the site.
- 15 In the interests of amenity and to ensure that the Council's key residential development standards are met.
- 16 To prevent direct damage to the qualifying interest of the SAC or the SSSI as a consequence of works being undertaken within the boundary of the application site.
- 17 To prevent any direct damage to the qualifying interest of the SAC and SSSI through the disturbance of the roots of trees within the SAC and SSSI.
- 18 To prevent any direct damage to the qualifying interest of the SAC and SSSI through the disturbance of the roots of trees within the SAC and SSSI.

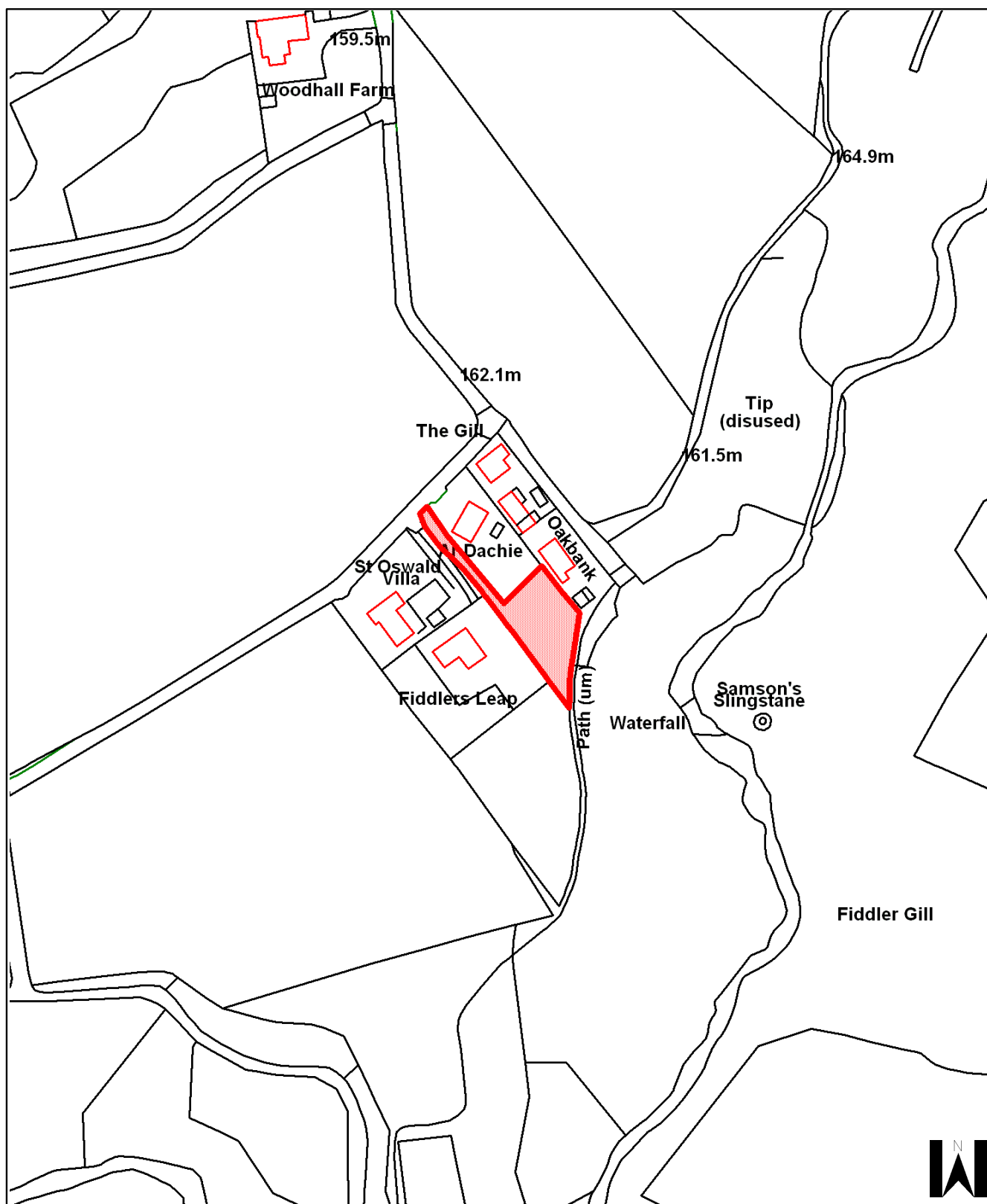
CL/09/0472

Ar Dachaidh, Woodhall Road, Braidwood - Map

Planning and Building Standards Services

Scale: 1: 2500

For information only



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