

	<h1>Report</h1>	Agenda Item <h1>11</h1>
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Report to:	Planning Committee
Date of Meeting:	26 September 2006
Report by:	Executive Director (Enterprise Resources)

Application No	CL/05/0065
Planning Proposal:	Erection of 21 Dwellinghouses and Ancillary Roadworks

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Taylor Homes (Scotland) Ltd
- Location : Albert Park
Lanark Road
Braidwood
Carluke

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) It is recommended that a Section 75 Agreement be completed between the Council and the applicant to ensure that provision is made for a roundabout access to be constructed in the future, should the development proceed on land directly opposite the application site.
- (3) A financial contribution of £12,600 is required from the developer towards upgrading recreational provision in the area, to be lodged prior to the issue of consent.

3 Other Information

- ◆ Applicant's Agent: Taylor Homes (Scotland) Ltd
 - ◆ Council Area/Ward: 12 Forth
 - ◆ Policy Reference(s): Lower Clydesdale Local Plan (Adopted)
 - Policy RES10: Upper Braidwood
- South Lanarkshire Local Plan (Finalised Draft)
- Policy RES6: Residential Land Use Policy
 - Policy DM1: Development Management

- ◆ Representation(s):

◆ Consultation(s):

Environmental Services

Roads and Transportation Services (South Division)

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

Scottish Water

Planning Application Report

1 Application Site

- 1.1 The site comprises of an under-used piece of horticultural land within the settlement of Braidwood, lying approximately 1 mile south of Carluke. It extends to some 1.6 hectares and consists of a private access, with associated land, leading to 3 dwellings and a dwellinghouse with an associated greenhouse. The site is generally flat and is bounded by dwellings and a restaurant to the north, amenity open space to the south, Lanark Road (A73) to the west and agricultural land to the east. Land to the north of the A73 has been identified as a proposed housing site in the Lower Clydesdale Local Plan.

2 Proposal(s)

- 2.1 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.
- 2.2 This application has previously been considered by Planning Committee on 12 April 2005. It was agreed to grant planning consent subject to the conclusion of a section 75 agreement between the Council, applicant and adjoining landowner to ensure the roundabout were constructed prior to development commencing on the second of the development sites. Following lengthy negotiations, it has not been possible to conclude an agreement with the two parties. In the meantime work has started on two of the plots within the application site. In these circumstances, it is now proposed that the agreement be solely with the applicants to ensure land within their title is reserved should the roundabout be required in the future.
- 2.3 In the absence of play provision within the application site, a financial contribution of £12,600 will be paid by the developer towards the improvement of recreational facilities in the area.

3 Background

3.1 Local Plan Status

The application site is covered by Policy RES10: Upper Braidwood in the adopted Lower Clydesdale Local Plan. Within this policy, the Council recognises that the existing and semi-derelict former horticultural units in Upper Braidwood require action. It states that alternative uses such as housing will be appropriate, subject to compliance with various criteria. Within the emerging Finalised Draft South Lanarkshire Local Plan, the site is identified as being affected by Policy RES6: Residential Land Use Policy and Policy DC1: Development Management.

3.2 Relevant Government Advice/Policy

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.

3.3 Planning History

Planning consent was refused in December 2004 for a similar proposal as no agreement could be reached at that time with an adjacent owner regarding the formation of a roundabout serving both development sites (Ref: CL/04/0529). The application was then resubmitted and reported to Committee for approval in April 2005, subject to the conclusion of a Section 75 Agreement. As described above, it has not been possible to conclude the agreement and therefore the consent has not been issued. Detailed consent for two plots was granted earlier this year and work has started on site.

4 Consultation(s)

- 4.1 **Environmental Services** – no objections subject to conditions including that a full intrusive study is carried out to determine the presence or not of contaminants on the site.

Response: Noted and agreed. Relevant conditions can be applied.

- 4.2 **SEPA** – no objections provided that the foul drainage is connected to the public sewer. Written assurance should be sought from Scottish Water that they are satisfied with the proposal. A SUDS system should also be approved.

Response: Noted and agreed.

- 4.3 **Roads & Transportation Services** – No objection subject to standard conditions being met.

Response: Noted. Conditions can be attached to any consent.

- 4.4 **Scottish Water** – no objections, provided that connection is made to the public sewer to Scottish Water's satisfaction.

Response: Noted and agreed. The developer has provided a satisfactory proposal in this respect.

5 Representation(s)

- 5.1 Following neighbour notification, two letters of representation were received. The objections and my comments thereon may be summarised as follows:

- (a) **The turning head, as proposed, is directly outside an existing property which will be problematic in terms of service vehicles and delivery vans turning within an established development.**

Response: Noted. However, the road terminating at this location would appear to be logical and I do not agree that this would present a problem for existing house owners.

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

6 Assessment and Conclusions

- 6.1 The main determining issues in this case are the extent to which the proposal complies with the adopted and emerging local plans, Government advice, the Council's Residential Development Guide and the Council's standards with particular regard to roads and transportation issues.

- 6.2 In terms of adopted local plan policy, the Lower Clydesdale Local Plan identifies the site within Policy RES10: Upper Braidwood. This policy states that the Council recognises that the existing and semi-derelict former horticultural units in Upper Braidwood require action. The Council would be prepared to consider proposals for their development for housing or business use subject to certain criteria, namely:
- ◆ the provision of mains sewerage;
 - ◆ the design of a comprehensive access scheme and proposals for its implementation;
 - ◆ comprehensive landscape proposals; and
 - ◆ the comprehensive treatment of individual or combined units within the context of a master plan.
- This policy further states that the Council will not favour proposals for small-scale developments which will not deal comprehensively with the dereliction. In terms of the current proposal, the Council would accept development of the site provided that it would not have a detrimental effect on the prospects for the successful re-development of the remainder of the RES10 site. The scheme incorporates a proposal to tie the site into the public sewerage system and in this respect is consistent with local plan policy.
- 6.3 Policy RES6: Residential Land Use Policy, states that within these areas, the Council will oppose the loss of houses to other uses and will resist any development that will be detrimental to the amenity of those areas. In particular, the Council will not approve 'bad neighbour' uses which may, by virtue of visual impact, noise, smell, air pollution, disturbance, traffic or public safety, be detrimental to residential areas. Each application will be judged on its own merits with particular consideration given to the impact on residential amenity. It is considered that the site can be developed in an appropriate way that will enhance the area and bring redundant land back into productive use whilst, at the same time, upgrading an existing private access track to an adoptable standard.
- 6.4 Policy DM1: Development Management Policy of the Finalised South Lanarkshire Local Plan, states that all planning applications will require to take account of the local context and built form and should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. Developments will require to enhance the quality and appearance of the local environment and when assessing planning applications, the Council will require proposals to comply with a number of criteria. In terms of this policy, it is considered that the scale, position, design and materials to be used in the development would allow it not only to satisfactorily integrate into the streetscape, but to represent a development that would improve the quality and visual appearance of the area.
- 6.5 The Council's Roads & Transportation Services have no objection, in principle, to residential development on the site, provided that both the applicant's site and the possible development site on the opposite side of the road are accessed off a new roundabout. Access to the application site, in advance of the site opposite being developed, will be via a traditional T-junction arrangement. However, sufficient land has been set aside should a roundabout require to be constructed to serve both the application site and any future residential site on the opposite side of Lanark Road.
- 6.6 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. Agreement has not been reached and it is now proposed to enter into an agreement

with the applicants only in order to reserve land in their title for this feature. It should be noted that the adjoining landowner has yet to submit an application while work has started on the application site. As a result, it is not considered appropriate to hold up the applicants development as it can proceed independently of the adjoining site. The applicant has agreed to the formalising of this agreement. 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.

- 6.7 The development accords with the Council's Residential Development Guide in terms of internal layout and I am satisfied that the provision of appropriate landscaping can be achieved by means of condition.
- 6.8 I conclude that the proposal complies with local plan policy and will result in the satisfactory re-development of under-used former horticultural land.

7 Reasons for Decision

- 7.1 For the reasons stated in Paragraph 6.8 above.

Iain Urquhart
Executive Director (Enterprise Resources)

12 September 2006

Previous References

- ◆ Planning Committee 7 December 2004, Item 7
- ◆ Planning Committee 12 April 2005, Item 8

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
 - S.E.P.A. (West Region) 22/02/05
 - Environmental Services 16/02/05
 - Roads and Transportation Services (South Division) 09/02/05
 - Scottish Water 21/03/05
- ▶ Representations
 - Representation from : Mr & Mrs A Dickson, 1 Albert Park
Lanark Road
Braidwood

ML8 4RZ, DATED 08/02/05

Representation from : A & W Smith, 3 Albert Park
Braidwood
ML8 4RZ, DATED 11/02/05

Contact for Further Information

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

Jim Lennon
(Tel : 01555 673126)
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 the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.
- 3 That no consent is hereby granted for the type and distribution of external finishes as shown on the approved plan, and no work shall commence on site until samples of alternative materials including: dark grey slate substitute tiles and roughcast, (feature panel of reconstituted stone may be allowed where appropriate), have been submitted to and approved in writing by the Council as Planning Authority.
- 4 That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.
- 5 That within 2 months of the date of this permission, 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.
- 6 That the landscaping scheme, approved under the terms of Condition No. 5 above shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the last dwellinghouse hereby approved and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.
- 7 That notwithstanding the generalities of Condition No. 5 above, details of a landscape strip of at least 2 metres in width shall be provided along the boundary marked A - B to the satisfaction of the Council as Planning Authority.
- 8 That before development starts, details of a surface water drainage system, incorporating Sustainable Urban Drainage System proposals, shall be submitted and approved by the Council as Planning Authority.
- 9 That the surface water drainage system, approved under the terms of Condition 8 above, shall be implemented simultaneously with the development hereby approved, to the satisfaction of the Council as Planning Authority and SEPA and shall be completed prior to the last dwellinghouse hereby permitted being

occupied.

- 10 That no dwellinghouse shall be occupied until the access roads and footways leading thereto from the existing public road have been constructed to base course level.
- 11 That before the last dwellinghouse hereby permitted is occupied, all roads and footways within the development shall be completed to final wearing course level.
- 12 That before the first dwellinghouse hereby permitted occupied, the new vehicular access so far as it lies within the boundaries of the road abutting the site, shall be constructed in accordance with the specification and to the satisfaction of the Council as Roads and Planning Authority.
- 13 That no dwelling shall be completed or occupied until the site is served by a sewerage scheme constructed to the specification and satisfaction of Scottish Water.
- 14 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.

REASONS

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interests of amenity and in order to retain effective planning control.
- 3 In the interests of amenity and in order to retain effective planning control.
- 4 In the interests of amenity and in order to retain effective planning control.
- 5 In the interests of the visual amenity of the area.
- 6 In the interests of amenity.
- 7 In the interests of amenity.
- 8 To ensure the provision of a satisfactory surface water drainage system.
- 9 To ensure the provision of a satisfactory surface water drainage system.
- 10 To ensure satisfactory vehicular and pedestrian access facilities to the dwellings.
- 11 To ensure satisfactory vehicular and pedestrian access facilities to the dwellings.
- 12 These details have not been submitted or approved.
- 13 To ensure that an appropriate sewerage system is provided.
- 14 To ensure the site is free of contamination and suitable for development.

For information only

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