

Report

Report to:	Planning Committee
Date of Meeting:	13/03/2018
Report by:	Executive Director (Community and Enterprise Resources)

Application No	CL/17/0230
Planning Proposal:	Erection of 48 Dwellinghouses and Formation of Amenity Space, Landscaping and Associated Access Road and Footpath Network.

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Braidwood View
- Location : Land West of Lanark Road
Braidwood

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 Attached

2.2 Other Actions/Notes

- (1) Planning Committee has delegated powers to determine this application
- (2) Detailed planning permission should not be issued until an appropriate obligation under Section 75 of the Planning Act, and/or other appropriate agreement, has been concluded between the Council, the applicants and the site owner(s). This planning obligation should ensure that appropriate financial contributions are made at appropriate times during the development towards the following:
 - Financial contribution towards the provision of affordable housing.
 - Financial contribution towards educational facilities
 - Financial contribution towards the upgrade of community facilities

In accordance with agreed procedure, should there be no significant progress, on behalf of the applicant, towards the conclusion of the Planning Obligation within 6 months of the date of the Committee, the proposed development may be refused on the basis that, without the planning control/developer contribution which would be secured by the Planning Obligation, the proposed development would be unacceptable.

If, however, this matter is being progressed satisfactorily the applicant will be offered the opportunity to enter into a Processing Agreement, if this is not already in place. This will set an alternative agreed timescale for the conclusion of the Planning Obligation.

All reasonable legal costs incurred by the Council in association with the above Section 75 Obligation shall be borne by the applicant

3 Other Information

- ◆ Applicant's Agent: John Russell Partnership
- ◆ Council Area/Ward: 01 Clydesdale West
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**

Policy 2 - Climate Change
Policy 3 - Green Belt and Rural Area
Policy 4 - Development management and placemaking
Policy 5 - Community Infrastructure Assessment
Policy 6 - General urban area/settlements
Policy 12 - Housing Land
Policy 13 - Affordable Housing and Housing Choice
Policy 16 - Travel and Transport

Development management, placemaking and design supplementary guidance (2015)

Green Belt and Rural Area Supplementary Guidance

Affordable Housing and Housing Choice Supplementary Guidance

**Sustainable Development and Climate Change Supplementary Guidance
Community Infrastructure Assessment Supplementary Guidance**

Natural and Historic Environment Supplementary Guidance

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

- ◆ Consultation(s):

Countryside & Greenspace

Network Rail

Roads & Transportation Services (Flood Risk Management Section)

Scottish Water

The Coal Authority - Planning and Local Authority Liaison Department

Education Resources - School Modernisation Team

Scottish Wildlife Trust

Environmental Services [e-consult]

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

Community Services

Scottish Natural Heritage

Roads Development Management Team

Housing Services

Planning Application Report

1 Application Site

- 1.1 The application site, extending to 1.95 hectares, is located on Lanark Road (A73) at Upper Braidwood. It comprises dilapidated buildings, hardstanding, the site of a demolished dwelling, scrubland, overgrown hedgerows and a mixture of marshy and semi improved grassland. Topographically, the site rises gradually in a west/east direction.
- 1.2 The southern section of the site falls within the settlement boundary of Upper Braidwood whilst the northern half, excluding the site of a former house, is located within designated Green Belt. The site is bound: to the east by the A73 Lanark Road (the principal road corridor between Lanark and Carluke) and beyond by existing dwellings and a residential development site; to the west by the West Coast Railwayline, beyond which lies the Harestanes Industrial Estate; to the south by a dwellinghouse and a storage and distribution business and; to the north by a mixture of scrub and grassland.

2 Proposal(s)

- 2.1 The applicant seeks planning permission for the erection of 48 dwellings incorporating a range of styles and sizes including one and a half storey and two storey designs ranging from three to 5 bedroom units. The house types include a mix of detached, semi-detached and terraced properties. The proposal also includes associated road, footpath, landscaping and SUDS basin.
- 2.2 Access will be taken from one point on Lanark Road via a roundabout which will connect into the access for Albert Park a housing development under construction on the opposite side of Lanark Road. This leads to a central roadway linking onto a loop in the southern section and a cul-de-sac in the northern section with a footpath connection back to the central roadway. The dwellings will be arranged around the road network as described. A spacious play/amenity area will be laid out in a central location which facilitates natural surveillance. In line with Designing Streets, the proposal incorporates traffic calming measures including shared surfaces. Open swales will align the road edges as part of an integrated Sustainable Urban Drainage System which will link into a SUDS basin, located at a natural low point at the north western end of the site alongside a sewerage pumping station. Along the Lanark Road frontage, the boundary treatment will consist of a close boarded 1200mm fence on top of an 800mm earth bund with landscaping designed as a mitigation measure to minimize disturbance from road traffic noise. A 3 metre high noise barrier will be erected along the western boundary as a protective measure against railway noise.
- 2.3 As supporting documents the applicant has submitted a Geotechnical Appraisal, a Mining Report, a Design and Access Statement, Habitat and Bat Survey and a Noise Impact assessment.

3 Background

3.1 Local Plan Background

- 3.1.1 The adopted South Lanarkshire Local Development Plan identifies much of the site as part of housing supply land and as lying within the settlement boundary of Upper Braidwood where Policies 6 - General Urban Area/Settlement and 12 Housing Land apply respectively. The land in the northern section is in designated Green Belt covered by policy 3: Green Belt and Rural Area. In addition, Policies 2: Climate Change, 4: Development Management and Place Making, 5: Community Infrastructure Assessment, 13: Affordable Housing & Housing Choice, 15 Natural and Historic Environment, and 16: Travel and Transport are relevant as is the

Supplementary Guidance on Development Management, Place Making & Design; Affordable Housing & Housing Choice; Sustainable Development & Climate Change; Green Belt and Rural Area and Community Infrastructure Assessment. The Council's Residential Development Guide should also be taken into consideration.

3.2 **Relevant Government Advice/Policy**

3.2.1 In terms of residential development, SPP advises that the planning system should identify a generous supply of land to support the achievement of housing land requirements and maintaining at least a 5 year supply of land at all times. It should also enable the development of well designed, energy efficient, good quality housing in sustainable locations and focus on the delivery of allocated sites. In terms of development in the rural area, SPP states that most new development should be guided to locations within or adjacent to settlements. Planning should take every opportunity to create high quality places and direct development to the right places, in particular by encouraging the re-use of brownfield sites.

3.2.2 The SPP states that the purpose of the Green Belt designation is to;

- Direct planned growth to the most appropriate locations and support regeneration
- Protect and enhance the quality, character, landscape setting and identity of towns and cities
- Protect and give access to open space within and around towns and cities.

3.3 **Planning History**

3.2.1 Due to a lengthy delay in concluding a section 75 agreement, which was amended to allow financial contributions to be phased, Planning Permission CL/08/0078 for 44 flats in the southern section within the settlement of Upper Braidwood was finally granted in May 2014. Planning Permission CL/09/0177 was granted for a children's nursery, within the curtilage of a former dwelling, in the north-eastern corner of the site fronting Lanark Road in November 2009. Planning Permission CL/17/0035 for a residential development (planning permission in principle) on land (currently a storage and distribution business) adjoining the southern boundary of the application site was granted in March 2017.

4 **Consultation(s)**

4.1 **Roads and Transportation Services** – no adverse comments subject to the imposition of appropriate conditions in respect of access standards, visibility, parking, footpath provision and drainage.

Response: Noted. The applicant has demonstrated that the requirements of the Roads Development Team can be met. If consent is granted appropriate conditions will be applied.

4.2 **Roads and Transportation Services HQ (Flooding Unit)** – offer no objection subject to conditions requiring a flood risk assessment and a Sustainable Urban Drainage System (SUDS).

Response: Noted. Should consent be granted, conditions can be attached to cover these matters.

4.3 **Environmental Services** –recommend conditions requiring a contaminated land investigation. A Noise Impact Assessment is required to determine the impact of noise from the adjoining railway and distribution centre. A Vibration Survey should also consider vibration from the rail track.

Response: Noted. A Noise and Vibration Impact Assessment has been submitted which concludes that vibration is not an issue and that noise impact can be addressed by mitigation measures which includes high glazing standards for habitable rooms

with ventilation systems which avoid the need to open windows. In addition, fencing, bunding and landscaping would be provided along the Lanark Road frontage and the boundary with the railway line.

- 4.4 **SNH** – a walkover survey should be carried out prior to the commencement of work to ensure the findings of the badger survey remain valid. The mitigation measures highlighted for birds in the Ecology Report should be implemented.

Response: Noted. If consent is granted, appropriate conditions will be applied to cover these matters.

- 4.5 **Housing Services** – have intimated that the payment of a commuted sum towards affordable housing provision in the local market area rather than the onsite provision is their preferred option. The applicant has in principle indicated a willingness to enter into a section 75 obligation.

Response: Noted. Planning permission would not be issued until an appropriate obligation under Section 75 of the Planning Act, and/or other appropriate agreement, has been concluded between the Council and the applicants. This planning obligation would ensure that appropriate financial contributions are made at appropriate times during the development towards affordable housing. The applicant has in principle indicated a willingness to enter into a section 75 obligation.

- 4.6 **Countryside and Greenspace** – footpath provision is deemed to be acceptable. The structural landscape treatment along the greenbelt boundary should be sufficiently robust and the applicant be asked to submit a fully specified landscape masterplan for the open space and landscaping elements. Confirmation of the future management arrangements for these elements also needs to be confirmed.

Response: Noted. If planning permission is granted conditions requiring the prior approval of the landscaping scheme would be applied.

- 4.7 **Scottish Water** – no objection, however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. There is capacity in the Camps Water Treatment Works however capacity in the Crossford Waste Water Treatment is limited. It is recommended that a Pre-Development Enquiry Form is completed and submitted directly to Scottish Water.

Response: Noted.

- 4.8 **Education Resources - School Modernisation Team** – no objections subject to the developer providing a financial contribution for education accommodation in the school catchment areas for the site. The money would be directed to Carluke High School, St Athanasius Primary School and nursery provision in the area.

Response: Noted. Planning permission would not be issued until an appropriate obligation under Section 75 of the Planning Act, and/or other appropriate agreement, has been concluded between the Council and the applicants. This planning obligation would ensure that appropriate financial contributions are made at appropriate times during the development towards education accommodation. The applicant has, in principle, indicated a willingness to enter into a section 75 obligation. This planning obligation would ensure that appropriate financial contributions are made at appropriate times during the development towards educational provision in the local area.

- 4.9 **Community Services** - no objections subject to the developer providing a financial contribution for community/play provision facilities in the local area. There are no Council play areas within 2 km of this proposed site, therefore, it is recommended that a small play area is provided within the site. The Council would not adopt open space/play areas for future maintenance and as such consideration of a factoring arrangement or similar would be required.

Response: Noted. Planning permission would not be issued until an appropriate obligation under Section 75 of the Planning Act, and/or other appropriate agreement, has been concluded between the Council and the applicants. This planning obligation would ensure that appropriate financial contributions are made at appropriate times during the development towards play provision/community provision in the local area. A play area has been identified on the layout plan and conditions would be applied to cover prior approval of the details, the timing of the works being carried out and future maintenance.

- 4.10 The Coal Authority** – Have considered the Mining Risk Assessment Report submitted by the applicant and advise that, as the mining legacy affecting the application site is non-coal related, they raise no objection to the proposal. However consideration should be given to a condition requiring the undertaking of the recommended intrusive site investigations prior to the commencement of development. These works would aid in establishing the exact situation regarding non-coal mining activity at the site and would enable the further assessment of the risk that this poses to the proposed development along with what, if any, remedial measures are required to mitigate this risk. The Coal Authority advises out that the Mining Risk Assessment Report does not acknowledge the presence of the limestone shaft adjacent to the site boundary and, therefore, does not provide an assessment of the risk that this mining related feature poses to the proposed development.

Response: Noted. If consent is granted a condition requiring an intrusive investigation would be required.

- 4.11 SEPA** – have no objection as there is no apparent flood risk. In terms of foul water drainage, consideration should be given to connecting those dwellings and properties currently served by private drainage arrangements onto the site. To ensure compliance with current standards for SUDS, treatment along swales should be considered. The pumping station should be designed to avoid emergency overflow situations arising.

Response: Noted. Conditions covering SUDS and connection to the sewerage network will be covered by condition if consent is granted.

- 4.12 NetworkRail** - No issue with the principle of the development subject to conditions requiring a trespass proof fence, drainage containment, noise impact assessment and proximity of landscaping to the railtrack. Demolition of neighbouring buildings must be carried out in accordance with an agreed method statement approved by Network Rail.

Response: Noted. A Noise Impact Assessment has already been completed with recommended mitigation including a 3 metre high close boarded acoustic fence which would also suffice as a trespass proof fence. Conditions have been attached covering drainage and landscaping. A copy of the consultation has been passed to the applicant.

- 4.13 Scottish Wildlife Trust** – no response to date.

Response: Noted.

5 Representation(s)

- 5.1 In response to the carrying out of neighbour notification and the advertisement of the application in the local press due to Development Contrary to the Development Plan and non-notification of neighbours no letters of representation have been received.

6 Assessment and Conclusions

- 6.1 The applicant seeks detailed planning consent for the erection of 48 dwellinghouses and associated infrastructure at Lanark Road, Upper Braidwood. The determining

issues in considering this application are its compliance with the policies of the adopted South Lanarkshire Local Development Plan, the associated Supplementary Guidance and the Council's Residential Development Guide, the impact on the amenity of the adjacent properties and surrounding area and road safety.

- 6.2 The vast majority of the site falls within the settlement boundary of Upper Braidwood, is identified as being part of the housing land supply in the adopted Local Development Plan and was previously subject of Planning Permission CL/08/0078 for the erection of 44 flats .The area comprises a mixture of vacant brownfield land containing dilapidated buildings and regenerated scrubland. The northern section, other than the site of a dwelling now demolished, falls within designated greenbelt and contains a mixture of scrubland and marshy and semi -improved grassland. There is no evidence of active agricultural activity on this ground.
- 6.3 Within the part of the site identified in the adopted South Lanarkshire Local Development Plan as being within the settlement of Upper Braidwood Policy 6 - General Urban Area/Settlements states that residential developments may be acceptable provided they do not have a significant adverse impact on the amenity and character of the area. Other than the site of the former dwelling, the area is also identified as part of the housing land supply. Policy 12 – Housing Land supports development on the sites included in the Housing Land Audit and identified on the proposals map. As such, residential development is considered to be acceptable in principle subject to compliance with other Council policy and guidance on new residential development with particular reference to layout and design.
- 6.4 The remainder of the application site is located within the Green Belt where Policy 3 - Green Belt and Rural Area applies. This advises that development which does not require to be located in the countryside will be expected to be accommodated within the settlements, other than in a number of circumstances. These include instances where there is a specific locational requirement or established need for a proposal; the proposal involves the redevelopment of derelict or redundant land or buildings where environmental improvement can be shown; the proposal involves the conversion of traditional buildings; or the proposal is for limited development within identifiable infill or gap sites and existing building groups. Supplementary Guidance on the Green Belt and Rural Area goes on to provide detailed guidance on these types of development in order to determine if a proposal is appropriate in the context of a Green Belt location. The proposal has been carefully assessed against the policy and guidance and, while there are elements that accord with some of the criteria (which are explored below), it does not fully comply with the Local Development Plan or the SG. As a result the proposed development in land use terms is contrary to the development plan.
- 6.5 The settlement boundary as defined in the South Lanarkshire Local Development Plan is drawn tightly to respect the existing extent of built development. It includes land on the eastern side of Upper Braidwood which reflects the historic incremental extension of the settlement on that side of the road. A new housing development is currently under construction on that side of the A73. To the west is the strong definitive boundary of the railway line and beyond is an industrial estate and clusters of low density dwellings whilst to the south the boundary is defined by an existing dwelling and storage and distribution business. While part of the application site is not within the village envelope it is appropriate in assessing the current proposals to consider whether a small scale incursion beyond the settlement boundary is acceptable. A key factor is consideration of Scottish Planning Policy which, in relation to development in the Green Belt, states that the purpose of the Green Belt designation is to;

- Direct planned growth to the most appropriate locations and support regeneration
- Protect and enhance the quality, character, landscape setting and identity of towns and cities
- Protect and give access to open space within and around towns and cities.

- 6.6 As described above the site is bounded on three sides by the physical presence of the built environment whilst scrub and vegetation cover on neighbouring land to the north helps visually contain and emphasise its integration with adjacent urban areas. The development will facilitate a logical extension creating a more balanced and rounded settlement edge. The proposed structural planting will result in a clearly defined and defensible settlement boundary whilst enhancing landscape quality and character. The separation distance and intervening Greenbelt between Upper Braidwood and Carluke will be maintained without adversely affecting their settings. No amenity/recreational space or public right of access will be impeded or lost. There will be no significant impact upon landscape features, valuable habitats or protected species. In addition, the proposal involves a modest extension to the settlement boundary which would not erode character of the village. Overall, therefore, it is considered that the objectives of the SPP in respect of the Greenbelt will not be compromised.
- 6.7 Policy 4 - Development Management and Place Making along with supplementary guidance on Development Management, Placemaking and Design requires the Council to seek well designed proposals which integrate successfully with their surroundings, take account of the local context and built form and to be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. In addition, development should be well related to existing development, public transport, local services and facilities. The proposed dwellings although relatively unique in appearance will nevertheless be able to integrate with the established character of Upper Braidwood which comprises a range of house styles and sizes. In the local context they are of an appropriate scale and mass. In addition the proposed development complies with the requirements of the Council's Residential Development Guide in terms of plot ratio, garden sizes, window to window distances and parking provision. There would not be an adverse impact on the amenity of existing local residents in terms of overlooking or overshadowing given the distance between existing properties and the site. Roads and Transportation Services have not raised any road safety concerns. In view of this, the proposal is considered to be in compliance with Policy 4 and associated Supplementary Guidance.
- 6.8 Policy 2: Climate Change and the associated Supplementary Guidance seeks to, where possible, minimise and mitigate against the effects of climate change and sets out a range of criteria which new development should consider to achieve this. The proposed development is consistent with the criteria relevant to this type of development at this location in particular as part of the site involves the re-use of a brownfield site; being sustainably located in terms of access to public transport; provides opportunities for active travel routes through the creation of enhanced footpath to the wider area; and avoiding areas of medium to high flood risk. The proposed development is considered to be consistent with Policy 2 and with the guidance set out in the supplementary guidance.
- 6.9 Policy 5 - Community Infrastructure Assessment states that where development proposals would require capital or other works or facilities to enable the development to proceed, financial contributions towards their implementation will be required. These contributions will be appropriately assessed and developers will be required to

ensure transparency in the financial viability of a development. In compliance with this the applicant has agreed to make financial contributions towards education and community facilities. Policy 13 Affordable Housing and Housing Choice states that the Council will expect developers to contribute to meeting affordable housing needs across South Lanarkshire by providing, on sites of 20 units or more, up to 25% of the site's capacity as serviced land for the provision of affordable housing, where there is a proven need. If on-site provision is not a viable option the Council will consider off-site provision in the same Housing Market Area. The provision of a commuted sum will only be acceptable if on or off site provision cannot be provided in the locale or there are no funding commitments from the Scottish Government. The Council's preference in this case is to seek a commuted sum in lieu of on site provision and this has been accepted by the applicant the value of which would be based on the development viability of the site. The applicant has agreed in principle to the payment of financial contributions for education provision, the provision of community facilities and off site affordable housing which will be addressed through the condition of a section 75 obligation. The scale and nature of the financial contributions is subject of on-going discussion.

- 6.10 Policy 15 - Natural and Historic Environment states that development which will have an adverse effect on protected species following the implementation of any mitigation measures will not be permitted unless it can be justified in accordance with the relevant protected species legislation. A Habitat and Bat Survey conclude that the proposal will not impact on protected species or habitats and SNH concur with these findings.
- 6.11 With regard to road safety Policy 16 – Travel and Transport requires all new development proposals to consider the resulting impacts of traffic growth. Roads and Transportation Services have confirmed that the proposal can be accommodated in transportation and road safety terms. In addition there are no objections in terms of the internal layout which meets Designing Streets objectives. Finally, the proposal would improve pedestrian routes within the locality.
- 6.12 In conclusion, much of the site falls within the settlement boundary, has been subject of a previous consent for 44 dwellings and is included in the Housing Land Supply in the Local Development Plan. However the proposal for the remainder of the site extends beyond the settlement boundary and fails to meet criteria where new development in the countryside is acceptable. It is, therefore, contrary to the development plan. The Planning Act does however allow for exceptions to be made to policy where other material considerations outweigh the provisions of the development plan. On balance the development is considered acceptable and therefore an exception to policy has been demonstrated for the following reasons.
 - (i) The objectives of Scottish Planning Policy in terms of the purposes of the Green Belt would not be compromised
 - (ii) The proposal will enable the rounding off of the current irregular settlement edge and the creation of a robust and defensible boundary.
 - (iii) The nature and scale of the development will not have an adverse impact on the character of the area
 - (iv) The greenbelt area within the application site is not actively farmed and contains no valuable landscape or habitat features.
 - (v) There are no infrastructure or road safety implications.
 - (vi) There would be no adverse impact on residential or visual amenity or the landscape character of the area.

In view of all of the above, and taking into account the current local development plan context the proposals represent an appropriate form of residential development for the

site and it is therefore recommended that detailed planning consent be granted subject to the conditions listed. However, consent should be withheld until the conclusion of a Section 75 Obligation, or other appropriate agreement, to ensure the submission of the necessary financial contributions.

7 Reasons for Decision

7.1 For the reasons set out in 6.12 above.

Michael McGlynn

Executive Director (Community and Enterprise Resources)

5 March 2018

Previous References

- ◆ CL/08/0078
- ◆ CL/09/0177

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ Development management placemaking and design supplementary guidance (2015)
- ▶ Neighbour notification letter dated 01/06/2017

- ▶ Consultations
 - Network Rail 14/06/2017
 - Roads Development Management Team 05/07/2017
 - Countryside & Greenspace 23/06/2017
 - Environmental Services [e-consult] 20/06/2017
 - Roads & Transportation Services (Flood Risk Management Section) 07/06/2017
 - S.E.P.A. (West Region) (Flooding) 15/06/2017
 - The Coal Authority - Planning and Local Authority Liaison Department 15/06/2017
 - Community - play provision/community contributions 16/06/2017
 - Scottish Natural Heritage 20/06/2017
 - Education Resources - School Modernisation Team 19/06/2017
 - Scottish Water 19/06/2017
 - Roads & Transportation Services (Flood Risk Management Section) 07/06/2017
 - Housing 18/08/2017

► Representations

Contact for Further Information

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

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CONDITIONS

- 1 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.
- 2 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.
- 3 That before any of the dwellinghouses situated on the site upon which a fence is to be erected is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 2 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 4 That no trees within the application site shall be lopped, topped, pollarded or felled, or otherwise affected, without the prior written consent of the Council as Planning Authority.
- 5 That all trees to be retained within the site shall be fully protected during the period of construction and prior to any work commencing on the site, written details specifying the nature of such measures shall be submitted to and approved by the Council as Planning Authority.
- 6 That prior to any works commencing on 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 proposed 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.
- 7 That the landscaping scheme, approved under the terms of Condition 6 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.
- 8 That notwithstanding the generalities of Condition 7 above and prior to any work commencing on the site, a maintenance management schedule for the landscaping scheme approved under the terms of Condition 7 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.
- 9 That no dwellinghouse shall be occupied until the site is served by a sewerage

scheme constructed to the specification and satisfaction of Scottish Water as Sewerage Authority.

- 10 That before the dwellinghouse hereby approved is occupied, a drainage system capable of preventing any flow of water from the site onto the public road or neighbouring land, or into the site from surrounding land shall be provided and maintained to the satisfaction of the Council as Roads and Planning Authority.
- 11 That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and shall include signed appendices as required.
- 12 That the surface water drainage system, approved under the terms of Condition 11 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.
- 13 That no dwellinghouses shall be occupied until the access roads and footways leading thereto from the existing public road have been constructed to base course level.
- 14 That before the last dwellinghouse hereby permitted is occupied, all roads and footways within the development shall be completed to final wearing course level.
- 15 That before any work starts on site details of the new roundabout to be constructed on Lanark Road (A73) shall be submitted for the consideration and approval of the Council as Planning Authority. For the avoidance of doubt the roundabout shall be designed in accordance with the Design Manual for Roads and Bridges. The submission shall include a Stage 2 Road Safety Audit.
- 16 (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.

- 17 (a) Remediation of the site shall be carried out in accordance with the approved remediation plan prior to the proposed development being brought into use. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Council as Planning Authority.
- (b) On completion of the remediation works, the developer shall submit a completion report to the Council as Planning Authority, confirming that the works have been carried out in accordance with the approved remediation plan and that the works have successfully reduced these risks to acceptable levels.
- (c) Any previously unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of the Council as Planning Authority within one week or earlier of it being identified. A more detailed site investigation to determine the extent and nature of the contaminant(s) and a site-specific risk assessment of any associated pollutant linkages, shall then require to be submitted to and approved in writing by the Council as Planning Authority.
- 18 That prior to any dwellinghouses being occupied , the mitigation measures in respect of acoustic barriers and ventilation, described in the Noise and Vibration Impact Assessment prepared by REC dated 06 September 2017, shall where appropriate be implemented to the satisfaction of the Council as Planning Authority unless otherwise agreed in writing.
- 19 That before any development starts on site or within or within six months of the date of this consent a walkover of the application site shall be carried out by an appropriately experienced ecologist prior to any work to ensure the findings in the Extended Phase 1 Habitat Survey (Arcona Ecology Ltd, May 2016) remain valid.
- 20 The mitigation for breeding birds detailed in section 8.4 of the Extended Phase 1 Habitat Survey (Arcona Ecology Ltd, May 2016) is complied with.
- 21 That before any work commences on the site, a scheme for the provision of play area(s) within the site shall be submitted to the Council as Planning Authority for written approval and shall include:(a) details of the type and location of play equipment, seating and litter bins to be situated within the play area(s); (b) details of the surface treatment of the play area, including the location and type of safety surface to be installed; (c) details of the fences to be erected around the play area(s); and (d) details of the phasing of these works unless agreed in writing by the Council as Planning Authority..
- 22 That prior to the occupation of the 25th dwellinghouse within the development, all works required for the provision of the equipped play area, shall be completed in accordance with the details approved under the terms of condition 21 and thereafter the areas shall not be used for any purposes other than as an equipped play area.
- 23 That before any work commences on site, proposals for the maintenance of all areas of open space/play areas within the development shall be submitted to the Council as Planning Authority and no work on the site shall be commenced until the permission of the Council has been granted for these proposals or such other proposals as may be acceptable.

- 24 All surface or foul water arising from the development must be collected and diverted away from Network Rail Property. Any Sustainable Urban Drainage Scheme shall not be sited within 10 metres of the railway boundary and shall be designed with long term maintenance plans which meet the needs of the development. Details of the design and construction of any drainage scheme shall be submitted to the planning authority for approval before development is commenced. The development shall be carried out in full accordance with such approved details.
- 25 That notwithstanding condition 6 above trees/shrubs planted adjacent to the railway boundary shall be positioned at a minimum distance from the boundary which is greater than their predicted mature height.
- 26 That before development starts, a certificate from a recognised firm of chartered engineers shall be submitted to the Planning Authority confirming the mineral stability of the site and this certificate shall be based on a professionally supervised and regulated boring programme.
- 27 That before the first dwellinghouse hereby permitted is occupied, the new roundabout and vehicular access on the A73 required under condition 15 above 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.
- 28 That on completion of the roundabout access the applicant shall undertake a Stage 3 Road Safety Audit and submit this to the Council, as Roads Authority. The developer will, as soon as practicably possible, submit the findings of the audit, together with proposed remediation measures and programme of works; and thereafter implement the agreed remedial measures within agreed timescales and to the satisfaction of the Council as Planning Authority.
- 29 That twelve months following completion of the roundabout access the applicant shall undertake a Stage 4 Road Safety Audit and submit this to the Council. The developer will, as soon as practicably possible, submit the findings of the audit, together with proposed remediation measures and programme of works; and thereafter implement the agreed remedial measures within agreed timescales and to the satisfaction of the Council as Roads Authority.

REASONS

- 1.1 In the interests of amenity and in order to retain effective planning control.
- 2.1 These details have not been submitted or approved.
- 3.1 In order to retain effective planning control
- 4.1 To ensure the protection and maintenance of the existing mature trees within the site
- 5.1 To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.
- 6.1 In the interests of the visual amenity of the area.

- 7.1 In the interests of amenity.
- 8.1 In the interests of amenity.
- 9.1 To ensure that an appropriate sewerage system is provided.
- 10.1 To ensure the provision of a satisfactory drainage system.
- 11.1 To ensure the provision of a satisfactory surface water drainage system.
- 12.1 To ensure the provision of a satisfactory surface water drainage system.
- 13.1 To ensure satisfactory vehicular and pedestrian access facilities to the dwellings.
- 14.1 To ensure satisfactory vehicular and pedestrian access facilities to the dwellings.
- 15.1 These details have not been submitted or approved.
- 16.1 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.
- 17.1 To ensure the site is free of contamination and suitable for development.
- 18.1 To ensure there is adequate noise mitigation measures in place at the site.
- 19.1 In the interests of badger welfare.
- 20.1 In the interests of nesting birds.
- 21.1 To ensure the provision of adequate play facilities within the site and in order to retain effective planning control.
- 22.1 In order to retain effective planning control.
- 23.1 In the interests of amenity.
- 24.1 To protect the stability of the adjacent railway cutting and the safety of the rail network.
- 25.1 To minimize leaf fall on the rail track.
- 26.1 To ensure the mineral stability of the area.
- 27.1 In the interests of road safety
- 28.1 In the interests of road safety
- 29.1 In the interests of road safety

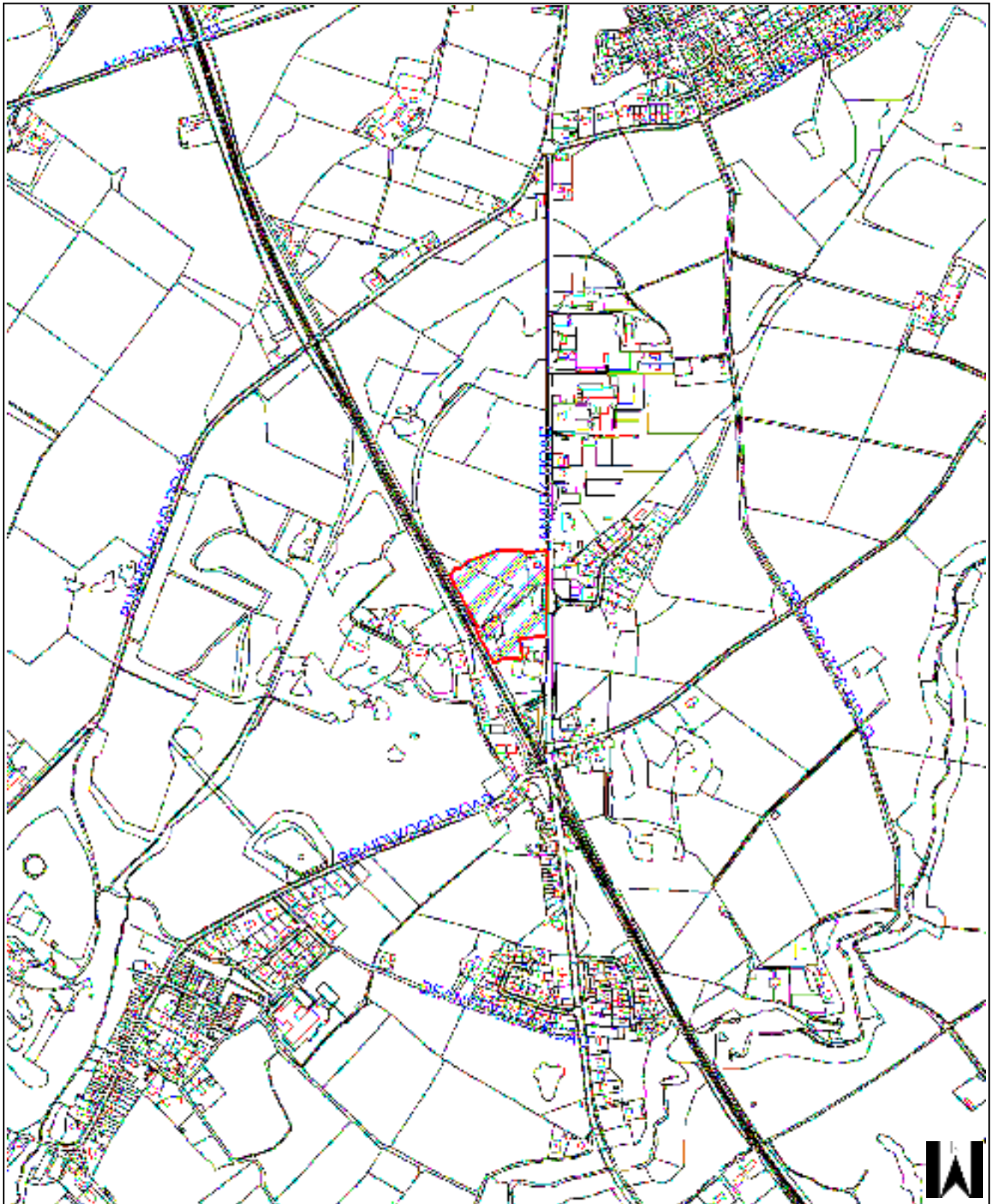
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Land West of Lanark Road, Braidwood

Planning and Building Standards

Scale: 1: 10000

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