

Report

Report to:	Planning Committee
Date of Meeting:	16 August 2022
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/1802
Planning proposal:	Erection of 26 dwellinghouses, associated access road, noise bund with fence, suds pond, open space and landscaping

1 Summary application information

Application type:	Detailed planning application
Applicant:	Modern Housing Limited
Location:	Land 85M South of 51 Brocketsbrae Road Brocketsbrae Road Lesmahagow Lanark South Lanarkshire

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) The 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: N/A
- ◆ Council Area/Ward: 04 Clydesdale South
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2**
 - Policy 1 Spatial Strategy
 - Policy 2 Climate change
 - Policy 3 General Urban Areas
 - Policy 5 Development Management and Placemaking
 - Policy 7 Community Infrastructure Assessment
 - Policy 11 Housing
 - Policy 12 Affordable Housing
 - Policy 15 Travel and Transport
 - Policy 16: Water Environment and Flooding
 - Policy DM1 New Development Design
 - Policy DM21 Legal Agreements

- ◆ **Representation(s):**

▶	5	Objection Letters
▶	0	Support Letters
▶	2	Comment Letters

- ◆ **Consultation(s):**

Education Resources School Modernisation Team

Housing Planning Consultations

Roads Development Management Team

Environmental Services

Roads Flood Risk Management

Scottish Water

SEPA West Region

Transport Scotland

CER Play Provision Community Contributions

West Of Scotland Archaeology Service

Planning Application Report

1. Application Site

- 1.1 The site extending to 1.98 hectares lies within the settlement of Brocketsbrae at the junction of Eastwood Road and Brocketsbrae Road. Brocketsbrae is a small hamlet of 34 dwellings, with the older properties being primarily positioned on one side of the public road. Historically, these dwellings were single storey, but some have been extended to utilise attic accommodation, and later development also shows variations of the cottage style and building mass. Most of the dwellings are set back from the road and have extensive rear garden ground. Currently there is a playground on the south side of Brocketsbrae which is bordered on two sides by the application site.
- 1.2 The application site itself is part of a larger landholding owned by the applicant extending to 5.94 acres. The whole site was previously identified as a housing site and later included in the settlement boundary following previous planning approvals most recently in 2014, when approval at planning committee was given, in principle, for the whole site. The site was previously used for grazing but has lain empty and unused since 2015 when CL/14/0371 was approved at committee. The application site represents a third of the whole site and is phase one of the applicants plans to develop the site, with phase two currently being assessed independently to this application. The whole site is level in its northern portion but rises steeply to a high point in the south-east corner adjacent to the property known as Highbanks. This site represents the lower, level section and takes its access off Brocketsbrae Road. Other than a bordering line of mature trees along the south-eastern portion of the larger site, there is little vegetation and views into the site are readily achieved from Brocketsbrae and when travelling along Eastwood Road. The M74 defines the south-western boundary of the application site, where the motorway sits lower in a cutting. There are some trees and shrubs on the slopes of the cutting that provide a visual screen of the south-west corner of the site. Long views into the site are obtainable from the fringes of Lesmahagow where the roofscape of Brocketsbrae is visible. The formation of a bund to reduce noise from the motorway will in effect reduce the views of the development from Lesmahagow.

2. Proposal(s)

- 2.1. Detailed planning permission is sought for the erection of 26 dwellinghouses, and associated access road, noise bund with fence, suds pond, open space and landscaping on land off Brocketsbrae Road on an open field opposite the existing dwellings on this section of the road. The proposal would comprise 26 detached and semidetached houses. 11 of these will be laid out in a linear arrangement along Brocketsbrae Road opposite the existing housing, the remainder of the site will be laid off the new access road into the site in two sections one ending in a small cul-de-sac and the other being the internal ring road providing the access to phases 2 and 3 of the overall development site subject to other approvals. The houses would be of a modern design, comprising 6 house types, 4 single storey with two designs being 1½ storeys with dormer windows. The house types proposed are as follows: -
- ◆ **House Type 1 The Arran:** 4-bed, single storey, detached units featuring front bay window, hipped roof with roof projection over front entrance. Located at Plots 24 and 25, plans show 3 parking spaces will be provided.
 - ◆ **House Type 2 The Bute:** 3-bed, single storey, detached units featuring front bay window, hipped roof. Located at Plots 1, 2, 15, 19 and 20, plans show 3 parking spaces will be provided.

- ◆ **House Type 3 The Cumbrae:** 3-bed, single storey, detached units featuring front bay window, hipped roof. Located at Plots 3, 4, 7, 13, 18, 21, 22, 23 and 26, plans show 3 parking spaces will be provided.
- ◆ **House Type 4 The Jura:** 2-bed, single storey, semi-detached units featuring front projection with gable with main roof hipped. Located at Plots 5, 6, 9, 10, 16 and 17, plans show 2 parking spaces will be provided.
- ◆ **House Type 5 The Skye:** 3-bed, 1½ storey, detached units featuring front entrance porch, gabled roof with three dormer windows. Located at Plots 8 and 11, plans show 3 parking spaces will be provided.
- ◆ **House Type 6 The Mull:** 3-bed, 1½ storey, detached units featuring front entrance porch, gabled roof with five dormer windows. Located at Plots 12 and 14, plans show 3 parking spaces will be provided.

2.2. Finishing materials across all house types are to include grey concrete roof tiles, buff coloured render and stone effect feature panels and base course, grey UPVC windows and doors, with UPVC rainwater goods.

2.3. Access would be obtained from Brocketsbrae Road and branch west and east, with a turning head located at both ends to serve this section of the development. The eastern branch will also allow access to the remainder of the development site to serve phases 2 and 3. Footpaths are provided throughout the site along the access road, and off-street parking provided in each plot. Each property would be served by its own driveway and rear garden separated by 2m high boundary fences. In terms of servicing, the site is proposed to connect to the public water supply and sewerage systems and install a suds system with a suds pond as shown on the plans. The site is bound on the southern boundary by the M74 motorway and a 4m high landscaped soil bund with 2m high timber fence is proposed along this section of the site, this forms part of the overall landscaping of the site along with a small village green, suds pond area and area around proposed pumping station. Final material choices and landscaping details will be controlled by planning conditions.

3. Background

3.1. Local Plan Status

3.1.1. In terms of local plan policy, the site is located within the Brocketsbrae settlement in the adopted South Lanarkshire Local Development Plan 2. The application site and associated proposal is affected by Policy 1: Spatial Strategy, Policy 2: Climate Change, Policy 3: General Urban Areas and Settlements, Policy 5: Development Management and Placemaking, Policy 7 Community Infrastructure Assessment, Policy 11: Housing, Policy 12: Affordable Housing, Policy 15: Travel and Transport, and Policy 16: Water Environment and Flooding as well as associated detailed development management and sustainable development policies. The content and aims of these policies is discussed in section 6 of this report.

3.2. Relevant Government Advice/Policy

3.2.1. In terms of government guidance, Section 25 of the Town and Country Planning (Scotland) Act 1997 states that the determination of a planning application shall be in accordance with the development plan unless material considerations indicate otherwise.

3.2.2. Scottish Planning Policy (SPP) advises that a generous supply of land should be provided to meet identified housing needs. SPP also introduces a presumption in favour of development that contributes to sustainable development. However, it advises that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Proposals that accord with up-to-date plans should be considered acceptable in

principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained and the presumption in favour of development that contributes to sustainable development will be a material consideration.

3. Planning Background

- 3.3.1. In terms of planning history, the site previously benefitted from planning approval for Residential development (planning permission in principle) granted at planning committee subject to a Section 75 agreement in 2015, under reference number CL/14/0371. However, the applicant went into receivership and the Section 75 was never progressed and the application stayed in limbo for 4 years until it was withdrawn in agreement with the new land owner and administrator for the previous owner in February 2020. This application seeks detailed consent on approximately one third of the previously approved site with two further phases to follow.

4. Consultation(s)

- 4.1. **Roads Development Management Team** – raise no objection to the proposal subject to standard conditions relating to visibility, access, connectivity, parking, traffic management and traffic calming being attached to any permission granted.

Response: Noted. These matters can be covered by conditions if consent is granted.

- 4.2. **Community - play provision/community contributions** - no objections subject to the developer providing a financial contribution for community/play provision facilities in the local 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 community provision in the area.

- 4.3. **Roads Flood Risk Management** - raise no objection to the proposal subject to standard conditions relating to flood risk and sustainable drainage being attached to any permission granted.

Response: Noted. These matters can be covered by conditions if consent is granted.

- 4.4. **Scottish Water** – Raise no objection to the proposed development and note that there is sufficient capacity within the Camps Water Treatment Works to service the development in terms of public water supply. They further advised that they are unable to confirm capacity at Lesmahagow Waste Water Treatment Works for foul drainage. Scottish Water has advised the applicant completes a Pre-Development Enquiry (PDE) to assess the situation further. This is a separate regulatory service controlled by Scottish Water.

Response: Noted. This matter can be covered by condition if consent is granted.

- 4.5. **Housing Services** – Have no objections to the development and have advised that a commuted sum to support social rented provision elsewhere in the local housing market area is appropriate and that an appropriate contribution should be sought from the developer.

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 social rented housing provision.

- 4.6. **Education Resources - School Modernisation Team** – no objections subject to the developer providing a financial contribution to address the impact of the development on education accommodation within the catchment's areas for the site.
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.
- 4.7. **SEPA** – have no objection to the proposed development providing that the foul drainage is taken by Scottish Water infrastructure. In terms of flooding, they have made no objection to the proposed development on flood risk grounds given no fluvial flood hazard to the site is apparent but advise that a flood risk assessment is carried out providing the applicant the required information to design the surface water drainage for the site.
Response: Noted. The applicant has stated that the development will connect to the Scottish Water infrastructure. These matters can be covered by conditions if consent is granted.
- 4.8. **Environmental Services** – no objections subject to the use of appropriate conditions in respect of noise limits for the dwellings and private amenity space and residential waste control and informatives on construction noises and contamination action plans.
Response: Noted. These matters can be covered by conditions and advice notes if consent is granted.
- 4.9. **Transport Scotland** - raise no objection to the proposal subject to a condition being imposed to allow access to maintain existing motorway boundary fencing.
Response: Noted. This matter can be covered by condition if consent is granted
- 4.10. **WOSAS** – have no objection to the proposal subject to a condition being imposed on the developer to carry out a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved the by the Planning Authority in agreement with the West of Scotland Archaeology Service
Response: Noted. This matter can be covered by condition if consent is granted

5. Representation(s)

- 5.1 Statutory neighbour notification was undertaken, and the proposal was also advertised in the local press as a bad neighbour development. Five letters of objection and two letters of comment were received, the points of which are summarised below: -

a) **Brockets Brae is a small hamlet, and the proposed development is considered an overdevelopment of the area and would adversely change its character. It is clear from the plans that there is an intention to develop the remainder of the field which would exacerbate the issue of overdevelopment to the detriment of the hamlets character. Any development of Brocketsbrae should follow the existing pattern of development of roads side dwelling and not a large housing development.**

Response: The proposed development layout and housing mix is considered to be acceptable in the context of the settlement of Brocketsbrae and shall not have any significant impact on the character of the area or residential amenity of existing residents. The remainder of the housing site would be subject to other applications and would be assessed against planning policy on their merits.

- b) **Access to the site would be better served from Eastwood Road and this would allow the dwellings along Brocketsbrae Road to be reversed so their rear gardens backed on to the road which would alleviate any parking issues on the existing road network.**

Response: The Council's Roads Service has carefully assessed the proposed road layout in detail in discussion with the developer's traffic consultant. It is considered that the proposed layout is acceptable in terms of traffic and pedestrian safety and that the proposed access into the site is acceptable subject to alterations to the width of Brocketsbrae Road and conditions on traffic calming measures. The new road layout has been designed to national roads standards and the Roads Service have made no objections.

- c) **It is perceived that the proposal will bring traffic congestion, access & parking issues and road safety problems due to the width of the road the position of the site entrance, the lack of a pavement, the addition of additional driveways onto Brocketsbrae Road, the volume and types of vehicles that use the road like milk tankers and other agricultural vehicles.**

Response: The Council's Roads Service has carefully assessed the proposed road layout in detail and in discussion with the developer the layout was altered to widen the main carriageway along the length of the development. It is considered that the proposed layout, showing the widening of Brocketsbrae Road with the addition of road calming measures is acceptable in terms of traffic and pedestrian safety. In addition, the proposed development road layout and plot access points have been assessed by the Council's Roads Engineers and are found to be satisfactory in terms of traffic and pedestrian safety. In addition, each new dwelling with access onto Brocketsbrae Road will have dedicated off street parking.

- d) **Due to the nature of the road and limited parking all vehicles, machinery and materials associated with the development should be located within the site and not impinge on the public road.**

Response: The Roads Service in their assessment of the application site have advised that a traffic management plan should be submitted for approval before development of the site, this will ensure that adequate parking and compound space is made available on site to avoid unnecessary disturbance on Brocketsbrae Road. If development is approved a condition will be added to address this issue.

- e) **The design materials proposed do not fit in with the current housing designs of cottages and sandstone materials. The appearance of the housing suggested is more modern. Concern that adjacent new houses will not fit in with the existing houses in terms of finishing materials.**

Response: Each individual developer generally has its own pallet of finishing materials. It is considered that although some of the materials and styles may be contrasting with existing development in the settlement there is already a wide variance in house styles and materials within the existing housing stock. The proposed housing styles and materials is considered acceptable and will add interest and variety.

- f) **Loss of light, overshadowing and parking on the other side of Brocketsbrae road will create noise and light / shadowing issues to existing residents.**

Response: The proposed layout and its relationship with neighbouring properties is not an uncommon arrangement. The scale of the new dwellings and the distances from the existing housing on Brocketsbrae road will not result in any unacceptable overshadowing or loss of light. The creation of private driveways on the opposite side of the road to existing residents along Brocketsbrae Road is not

considered to be significant in terms of noise or light nuisance and any disturbance would be minimal and infrequent.

- g) **Overlooking and loss of privacy, the plans indicate new dwellings on the opposite side of the road from the existing houses on Brocketsbrae Road. This will result in these houses being overlooked and result in a loss of privacy.**

Response: In terms of the Council's Residential Design Guide, due to the design and location of the proposed dwellings there is acceptable window to window distances achieved between the new houses the existing dwellings on Brocketsbrae Road.

- h) **Existing infrastructure, I currently receive my electricity supply and telephone lines from overhead cables I would like confirmation if there are any planned changes to the current supply arrangement to my address.**

Response: The developer is responsible to ensure that any existing utility infrastructure affected by or altered by the development of the site is approved and coordinated by the utility providers i.e., Scottish Power and BT Openreach, this is not a matter controlled by the Council or by the Planning System.

- i) **On a personal note, I moved here from Livingston to get the country atmosphere and experience and enjoy my upcoming retirement within the next 18 months. I have a high-pressured job and enjoy nothing more than walking my dogs in the surrounding areas and the peace makes it all worthwhile. I only moved here in September 2018 and have spent a fortune on a house that had been empty for 3 years and the main reason for the move was looking out of my window and seeing a hedgerow full of sparrows and blackbirds and as stated earlier the darkness and quietness at night.**

Response: The site is identified as suitable for housing and there is no right to a view. As with any type of development, there will be a degree of disruption during construction on site.

- j) **The local schools won't be able to cope if their pupil numbers increase exponentially.**

Response: The Education Resources - School Modernisation Team were consulted on the proposed development and have raised no concerns subject to contributions being provided to improve school facilities to account for the increase in pupils.

- k) **A section of the field and the children's play park is of historical importance, as the Caledonian Railway came through Brocketsbrae, the station yard is where the play park stands and the station next to it. This is of local historical value.**

Response: There is no physical evidence of any railway station, buildings or even embankments for the old railway that ran through Brocketsbrae within the application site and therefore no physical historical elements to be safeguarded from development. In terms of the historic use of the site WOSAS have asked that based on the density of sites and finds of prehistoric and medieval date in the surrounding landscape that the developer secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation for the site. This site investigation has the potential to uncover other periods of activity on the site which will be recorded.

- l) The build process, with heavy machinery will cause untold stress, frustration, concern, among local residents, as the work will be going on for months on end. Dust will be evident everywhere on cars, properties, clothes being washed, gardens etc.**

Response: Roads and Transportation Services were consulted in relation to the proposal and have advised that a condition should be attached to any consent which requires the submission and approval of a Construction Traffic Management Plan. This document would provide details regarding the proposed access, parking and storage arrangements for deliveries, construction and staff vehicles, site buildings etc which should mitigate any potential access and parking issues. However as with any development, there will be a degree of disruption during the construction phase. In addition, the Council's Environmental Services were consulted and have raised no objection to the proposal however require all works to be carried out in accordance with the appropriate standards. It is noted that the acceptable working hours stipulated by ES for audible construction activities are Monday to Friday 8am to 7pm, Saturday 8am to 1pm and Sunday no audible activities. An advisory note has been attached to the consent to advise the applicant of this requirement

- m) The development will damage the natural environment with the removal of trees and hedging, there are trees and hedgerows on Brocketsbrae Road and also adjacent/parallel to M74, which provide roosting and nesting for birds of prey Kestrels and others have been seen and other bird and animal species Rabbits, Hedgehogs, Foxes, Badgers etc**

Response: The site contains only a few trees which are part of the hedging along Brocketsbrae Road within the site boundary which have been left to grow the remainder of the hedge is in sporadic groups along the length of the site frontage. The trees along the Motorway are out with the development site and will not be affected by the proposal. There are also a small group of young self-seeded trees in the southwest corner of the site. The hedging and trees on the site are not considered to be vital to the natural environment in the area. The existing trees and hedging on Brocketsbrae Road will require to be removed to provide the road widening and footpath and accesses for the development in the interests of road safety. The remainder of the site is rough grazing land with little ecological value with no evidence on site of badger sets within the application site or any other protected species habitat that would raise any ecological concern. In addition, proposed landscaping for the site including the large, landscaped bund, SUDS area and village green will provide the opportunity for significant planting including native tree planting which will be advantageous to wildlife. The SUDS area once established, is likely to encourage amphibians etc given the wet nature of this low section of the site.

- n) The development will lead to an increase in vehicular traffic, activity and noise as new housing attracts younger families. Vehicle numbers will increase also affecting the darkness and quietness at night to the detriment of the existing quality of life of residents in this street.**

Response: The application site lies within the residential area and was identified for residential development in the previous adopted local plan and had received in principle consent for housing development in 2015. It is considered that any resultant noise and lighting levels would be typical of those encountered within such areas and will not give rise to any form of nuisance. Roads and Transportation Services have not raised any concerns about traffic generation and the proposed development represent a relatively light housing density mainly

consisting of detached bungalows and 1½ storey dwellings with good building separation along the street frontage.

- o) The application site regularly floods and there are existing surface water issues in the area that overspill and make its way onto this field. Building on this site would exacerbate the issue and would put other residential properties at greater risk of flooding.**

Response: There is an overarching flood risk assessment relating to the whole site and both SEPA and the Roads Flood Risk Management Team have reviewed the submitted information and the proposed development and advised they have no objections subject the developer carrying out a further flood risk assessment to inform the design and submission of a surface water drainage system that will meet their design standards. The developer will be required to ensure the flood risk information is comprehensive and up to date and appropriate drainage would be designed to ensure that the area does not flood nor that there is run-off affecting existing properties or other adjacent land.

- p) The pollution levels will increase from exhaust fumes.**

Response: The site is identified as being in the settlement boundary and had previously benefited from planning consent in principle for residential development. The relatively small increase in traffic associated with the proposed housing development is not of a scale that would significantly affect air pollution in this area.

5.2 These letters are available for inspection on the planning portal.

6. Assessment and Conclusions

- 6.1. Full planning permission is sought for the erection of 26 dwellinghouses on land within the Brocketsbrae settlement boundary as defined by the adopted South Lanarkshire Local Plan 2. The main issue for consideration in the assessment of this application is how the proposal relates to the relevant policies contained within that document, the impact on road safety, residential amenity and the provision of infrastructure or services.
- 6.2. In terms of a spatial strategy, Policy 1 of the SLLDP2 directs larger developments to sustainable urban locations, and together with Policy 11 seeks to ensure that there is an effective and mixed housing land supply. Policy 3 states that residential developments within urban areas and settlements will generally be acceptable, and Policy 5 sets out design criteria required to deliver successful places.
- 6.3. As the site is located within the Brocketsbrae settlement, sitting opposite the established residential properties and with easy access to public utilities, it is considered to satisfy the sustainable development requirements for residential developments outlined in these policies. It is well located in terms of access, connectivity, and amenity provisions in terms of local network and retail centres which are within relatively close proximity, contributing to an accessible and sustainable site. Furthermore, as the site had been previously identified as a housing site and included in the settlement boundary it is considered that the development represents a suitable extension to the settlement and a welcome addition of a mixed housing development to the local housing market in this rural location.
- 6.4. Therefore, overall, the principle of development is considered to be in compliance with the aforementioned policies. The housing mix of 2, 3 and 4-bedroom semi and detached units, as outlined in section 2.1 above, is suitable for this location and the

scale of the site, without resulting in overdevelopment or unmanageable increased pressures on infrastructure in accordance with Policies 1, 2, 3, 5 and 11.

- 6.5. Housing Services have advised that due to the scale of the site and the housing numbers involved that on site provision of affordable housing is not desirable and have advised that a commuted sum to support social rented provision elsewhere in the local housing market area is appropriate for this application and that a contribution should be sought from the developer. The developer has agreed to make a contribution for affordable housing in line with Council policy and agreed to enter an appropriate obligation with the Council under Section 75 of the Planning Act prior to consent being issued.
- 6.6. Together the policies above set out criteria which must be met to ensure that the proposal contributes, in a positive manner, to the quality of the surrounding built and natural environment, its character and appearance. This includes that the development is appropriate in its siting, layout and density, and responds to this in terms of design and scale. Patterns of development and surrounding amenity should be respected. In particular, Policy DM1 seeks to promote quality and sustainability and ensure that all new developments meet the six qualities of a successful place, including being distinctive whilst respecting the local identity and creating a sense of place; being safe and pleasant; welcoming; adaptable; efficient and well connected. In terms of the development of the site, this site has been identified as a housing site, therefore under Policy DM1 the main considerations are that the proposal does not result in overdevelopment of the site, has no detrimental amenity impacts, and reflects the surrounding area with no negative affect on neighbouring properties.
- 6.7. Overall, the development is relatively small scale, and can be adequately accommodated within the site area and the existing site levels, creating a pleasant open development. It would infill this section of Brocketsbrae Road between Eastwood Road and the children's play park and form a street frontage as a continuation of the settlement to mirror existing development. The proposed layout responds to the topography and shape of the site. The house design, site layout and gable to gable distances helps reduce the overall massing and reduces visual impact. The traditional linear layout of development along Brocketsbrae Road is reflective of the properties on the opposite side of the road and achieves suitable access arrangements due to the widening of the road and the formation of a new footpath.
- 6.8. The individual house types and mix utilise material finishes which reflect the design and material mix of the nearby residential units. The use of bay windows, front facing gable projections and a material mix on the elevations further reduces any massing on individual or semi-detached units and this design approach is considered appropriate as it offers quality appearance and mitigates any adverse visual impact. As the site is currently an open field, a degree of visual impact is inevitable, however, through the carefully considered house types, existing site levels and development scale this is not considered to be significant enough to warrant refusal in this instance. The breakup of the street elevation and overall plot layout comprising detached units and semi-detached units offers a suitable mix of smaller units with sufficient garden ground provision.
- 6.9. There would be no significant negative impact on neighbouring amenity arising from this proposal. The proposed units are adequately separated from the adjacent properties by Brocketsbrae Road, and therefore any overlooking or loss of privacy would be within acceptable standards. Furthermore, the proposal would not affect sunlight/daylight afforded to such properties due to the separation distance, and as it would be built to the site levels that are generally level or lower than the existing

dwelling it would therefore not appear overbearing. As such, the proposal is considered to respect the character and amenity of the area.

- 6.10. In terms of landscaping, the site will provide a larger area of landscaping than that normally provided in a typical development due to the large, landscaped bund along the boundary with the motorway, this along with the proposed village green, SUDS pond and the open front gardens will provide a more than adequate landscaping scheme for the development, which is deemed acceptable, landscaping details will be requested via a condition attached to any permission granted.
- 6.11. In summary, the layout, siting and design of the proposed development is considered acceptable in compliance with the relevant policies in particular Policy 3, 5 and associated guidance.
- 6.12. Turning to technical matters, the proposed site can be adequately accessed and serviced in accordance with Policy 15 and SDCC4. The site is highly accessible and within proximity to active travel links as well as making provision for footpaths and connectivity throughout in line with DM1. Conditions relating to roads matters will be attached to any permission granted to ensure adequate servicing provision in the interests of sustainability and active travel.
- 6.13. Together Policies DM1, 16 and SDCC2 promote the use of sustainable urban drainage solutions. The development would appropriately connect to the public water supply and drainage network. Details of surface water discharge will be sought via condition to ensure this is delivered to a high quality and eco-friendly standard.
- 6.14. In terms of flood risk, the site lies out with any risk areas as identified on SEPA Ground water Flood Risk maps however parts of the site are identified to lie within the medium risk probability extent of the surface water hazard map. Notwithstanding this both SEPA and the Roads Flood Risk Management Team have raised no objections subject to a flood risk assessment being carried out and a sustainable drainage system (SUDS) being designed and installed to manage the surface water on the site. SEPA have advised that the drainage risk identified could be from foul drainage and that any new foul drainage should be connected to Scottish Water infrastructure. Any surface water drainage systems shall be designed to meet Council Flooding Guidance. If planning permission is granted, planning conditions to address both foul and surface water drainage will be added to the decision notice.
- 6.15. Overall, it is considered that the site satisfies all technical matters, and further details can be controlled via conditions. Technical consultees raise no objections to the proposal and no direct concerns are considered to result from this development. The proposal satisfies Policies DM15, DM16, Policy 16 and SDCC2. Additionally, for the reasons outlined above, the site is considered to be sustainably located within the established settlement, thus complying with Policy 2 in terms of Climate Change.
- 6.16. In conclusion, it is considered that the application is acceptable for this portion of the identified housing site. The proposed layout, siting and design is appropriate and addresses all relevant planning policies of visual impact and amenity and it is considered that there will be no significant effect on surrounding amenity. All technical matters have been addressed through detailed consultation. The Planning Service therefore supports the application as it is compliant with the relevant policies contained within the South Lanarkshire Local Development Plan 2, and there are no material planning considerations which would warrant refusal in this instance. As such, the application is recommended for approval, subject to conditions.

7. Reasons for Decision

- 7.1. The proposal has no adverse impact on residential or visual amenity and raises no road safety concerns. The development complies with the provisions of policies 1, 2, 3, 5, 7, 11, 12, 15, 16, DM1, DM21 of the adopted South Lanarkshire Local Development Plan 2 (adopted 2021)

David Booth

Executive Director (Community and Enterprise Resources)

27 July 2022

Previous references

- ◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated

- ▶ Consultations

Education Resources School Modernisation Team	16.03.2020
Housing Planning Consultations	30.03.2020
Roads Development Management Team	23.09.2021
Environmental Services	25.04.2022
Roads Flood Risk Management	07.02.2020
Scottish Water	12.03.2020
SEPA West Region	17.02.2020
Transport Scotland	20.12.2019
CER Play Provision Community Contribs Judith Gibb	12.06.2020
West Of Scotland Archaeology Service	20.12.2019
Roads Development Management Team	25.05.2022

- ▶ Representations

John Adkin, 63 Brocketsbrae Road, Lesmahagow, Lanark, ML11 9PT	Dated: 06.01.2020
Stephen & Theresa Roarty, Midhurst, Brocketsbrae Road, Lesmahagow, Lanark, South Lanarkshire, ML11 9PT	03.01.2020
Mairi Adkin, 63 Brocketsbrae Road, Lesmahagow, Lanark, South Lanarkshire, ML11 9PT	03.01.2020
Mr James Callan, Braedale, 39 Brocketsbrae Road, Lesmahagow, Lanark, South Lanarkshire, ML11 9PT	30.12.2019

Mr Pete Carroll, 47 Brocketsbrae Road, Lesmahagow, Lanark, South Lanarkshire, ML11 9PT	20.12.2019
John Milne, Woodend, 41 Brocketsbrae Road, Lesmahagow, Lanark, South Lanarkshire, ML11 9PT	30.12.2019
Mr Peter Carroll, 45 Brocketsbrae Road, Lesmahagow, Lanark, ML11 9PT	30.06.2020

Contact for further information

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

Steven Boertien

Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455116

Email: steven.boertien@southlanarkshire.gov.uk

Conditions and reasons

01. 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. Thereafter the development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

02. That no development shall commence on site until the applicant provides written confirmation from Scottish Water or SEPA to the Council as Planning Authority that the site can be satisfactorily served by a sewerage scheme designed in accordance with their standards.

Reason: To ensure the provision of a satisfactory sewerage system.

03. That prior to any work starting on site, a Drainage Assessment in accordance with 'Drainage Assessment - A Guide for Scotland', shall be submitted to and approved in writing by the Council as Planning and Roads Authority.

Reason: To demonstrate that a satisfactory means of waste and surface water drainage can be achieved.

04. That no development or ground works shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service

Reason: In order to safeguard any archaeological items of interest or finds.

05. That before any work commences on the site, a scheme of landscaping shall be submitted to the Council as Planning Authority for written approval and it shall include:
- (a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development;
 - (b) details and specification of all trees, shrubs, grass mix, etc., including, where appropriate, the planting of fruit/apple trees;
 - (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.

Reason: To ensure the appropriate provision of landscaping within the site.

06. That the approved landscaping scheme shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

Reason: In the interests of the visual amenity of the area.

07. The proposed bund along the south western boundary of the site shall be so constructed to leave a minimum of 1m level access between the bund and the existing boundary fence with the M74.

Reason: To keep the existing access provision to both sides of the fence to allow the Roads Authority to maintain the existing fencing along the moterway.

08. That before any work commences on the site, a scheme for the provision of toddler/pre school play area within the village green area as identified on the approved plans 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.

Reason: To ensure the provision of adequate play facilities within the site in line with the Residential Design Guide

09. That prior to the completion or occupation of the last 2 dwellinghouses within the development, all of the works required for the provision of equipped play area included in the scheme approved under the terms of Condition 8, shall be completed, and thereafter, that area shall not be used for any purpose other than as an equipped play area.

Reason: To ensure the provision of adequate play facilities within the site.

10. 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.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

11. That before each dwelling is completed or brought into use, all of the parking spaces shown on the approved plans for that dwelling shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.

Reason: To ensure the provision of adequate parking facilities for each dwelling within the site.

12. That before the development hereby approved is completed or brought into use, a visibility splay of 2.5 metres by 90 metres measured from the road channel shall be provided on both sides of new vehicular access into the site 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.

Reason: In the interests of traffic and public safety.

13. The localised road widening as shown on the approved plans and traffic calming measures shall be implemented to a suitable standard prior to occupation of the first dwelling on site and shall be fully completed and surfaces finished to the satisfaction of the Council as Planning and Roads Authority prior to the last dwelling hereby approved is occupied. Details of the proposed traffic calming shall be submitted prior to development starting on site.

Reason: In the interests of traffic and public safety.

14. That prior to development starting on site the developer shall submit a site development traffic management plan this will provide details on, construction vehicles & staff parking, compound facilities, construction/delivery routes, wheel wash facilities and road sweeping plans etc

Reason: To ensure adequate traffic management and road cleaning arrangements are put in place to minimise disturbance to neighbouring properties and in the interest of traffic and public safety.

15. The housing developer shall ensure that (prior to the development becoming occupied) the neighbourhood noise levels primarily from road traffic comply with the following-

Part 1

The internal noise levels shall comply with BS 8233:2014 Guidance on sound insulation and noise reduction for buildings as follows-

- a) The internal levels with windows open (or under exceptional circumstances closed) do not exceed an LAeq,16hr of 40dB daytime (07:00 - 23:00)
- b) The internal levels with windows open (or under exceptional circumstances closed) do not exceed an LAeq,8hr of 30dB night-time (23:00 - 07:00).
- c) The internal levels with windows open (or under exceptional circumstances closed) do not exceed an LMax of 45dB night-time (23:00 - 07:00).
- d) The external levels shall not exceed an LAeq,16hr of 55dB daytime in any garden amenity areas, when measured free-field

Part 2

The Internal Noise Rating Values, within the residential property shall not exceed-

- o NR25 between 23.00hrs and 08.00hrs
- o NR35 between 08.00hrs and 23.00hrs

Reason: to ensure the noise levels with the new dwellings are at an acceptable level to protect residential amenity

16. A bund/barrier consistent with that shown on approved plan MH-H-02-SL-01J site plan as proposed within the context of document R21.10917/1/Let3 as it amends Assessment (NIA) report (Reference: R21.10917-1-IK) shall be constructed and thereafter maintained. The details of the construction, surface density of materials and final positioning shall be submitted and approved by the Planning Authority. In addition, the submitted details shall include the planned maintenance of the bund and fencing for the lifetime of the development.

Reason: To ensure the noise bund and fence are constructed to and maintained to an acceptable level for the lifetime of the dwellings hereby approved by this consent.

17. That within each dwelling hereby approved, a dedicated external area shall be provided capable of meeting the WHO community noise guidance level of an LAeq,16hr of 55dB daytime in the garden amenity areas. This may include the inclusion of localised screening such as a garden structure etc. providing an acoustic shadow capable of providing the additional insertion loss as required. The final details shall be submitted to and approved by the Planning Authority. This shall include the provisions within R21.10917/1/Let3 as it amends Assessment (NIA) report (Reference: R21.10917-1-IK)

Reason: to ensure each dwelling has some private garden area with acceptable levels of amenity in relation to background noise.

18. For those more exposed facades within the development requiring a closed window scheme to meet BS 8233:2014 Guidance on sound insulation and noise reduction, the final glazing and ventilation specification and proposed combined sound reduction shall be submitted to and approved by the Planning Authority. It shall also be demonstrated that the optimal reduction with windows partially open has been installed with cognisance to NANR116: 'Open/Closed Window Research' Sound insulation through ventilated domestic Windows as prepared by Napier University. This may require modified windows and openable areas on exposed facades. This shall include the provisions within R21.10917/1/Let 3 as it amends Assessment (NIA) report (Reference: R21.10917-1-IK)

Reason: to ensure adequate levels of amenity are achieved for each dwelling on the site.

19. Details of facilities for the storage of refuse within the proposed development, including the design, location and access for uplift, shall be submitted to and approved in writing by the Council as Planning Authority. No dwellings shall be occupied until the facilities for the storage of waste have been provided within the proposed development, in accordance with the approved scheme.

Reason: To ensure adequate provision is made within the development for the storage and collection of residential waste

20. Prior to development commencing on site, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.

Reason: To minimise the risk of nuisance from dust to nearby occupants.

21. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Amendment Order 2011 (or any such order revoking or re-enacting that order), no fencing or walls shall be erected within the front garden areas of the dwellings fronting onto Brocketsbrae Road (plots 1 to 11); without the submission of a further planning application to the Council as Planning Authority.

Reason: To ensure that the Council retains effective control over future development of boundary treatments onto the public road to retain the character of the streetscape.

22. Prior to commencement of the development hereby approved, details of measures to facilitate the provision of full fibre broadband to serve the development, including details of appropriate digital infrastructure and a timescale for implementation, shall be submitted to and approved in writing by the Council as Planning Authority, unless otherwise agreed in writing with the applicant. The approved measures shall thereafter be carried out in accordance with the agreed implementation timescale.

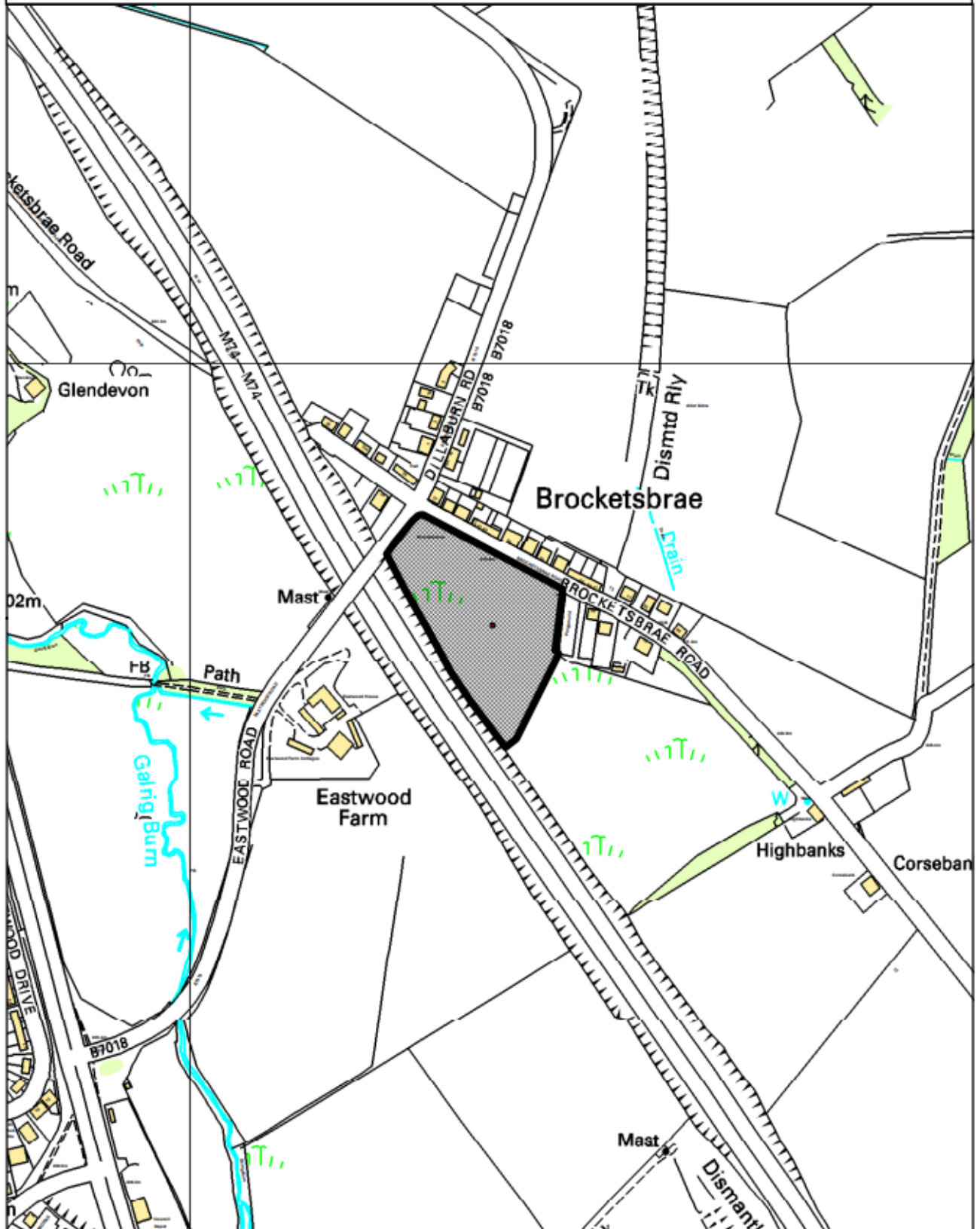
Reason: To ensure the provision of digital infrastructure to serve the development.

23. That, unless otherwise agreed in writing and prior to works commencing on site, the applicant shall submit details to demonstrate each dwelling has access to their own electric vehicle charging (EVC) point. Where parking is provided within a shared courtyard, details shall also include arrangements for siting of charging posts taking account of parking bays/boundary features/pedestrian movement along with maintenance arrangements all for the written approval of the Council as Roads Authority. Thereafter, the agreed EVC provision shall be installed, commissioned, and maintained in accordance with the approved plans and specifications prior to that property which it serves being occupied.

Reason: To ensure the provision of appropriate facilities on site.

P/19/1802

Land 85M South of 51 Bocketbrae Road



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1:5,000
Date:
21/07/2022



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development