

Application No: S/04/01730/FUL

Date Registered: 29<sup>th</sup> September 2004

**Applicant:** Langvale Ltd

**Agent** McIntyre Associates  
90 Seaward Street  
Glasgow  
G41 1HJ

**Development:** **Construction of 20 Detached Dwellinghouses with Associated Access Road (Phase 3)**

**Location:** **Land Between Spindleside Cottage and Station Road, Cleland, Motherwell, Lanarkshire**

**Ward:** 19: Cleland Councillor James Martin

**Grid Reference:** 280086 658022

**File Reference:** **S/PL/B/4/27+4/24+4/28/GORL**

**Site History:** S/02/00207AMD Construction of 45 Dwellinghouses Granted 13.05.02  
S/00/01002/ Construction of 47 Dwellinghouses (Amendment to Layout) Refused 04.03.02 (contrary to recommendation) Appeal held in abeyance  
S/98/1416/FUL Erection of 49 Dwellinghouses Granted 10.06.99 (on appeal)  
481/92 Erection of 8 Terraced Dwellinghouses Granted 30.12.92

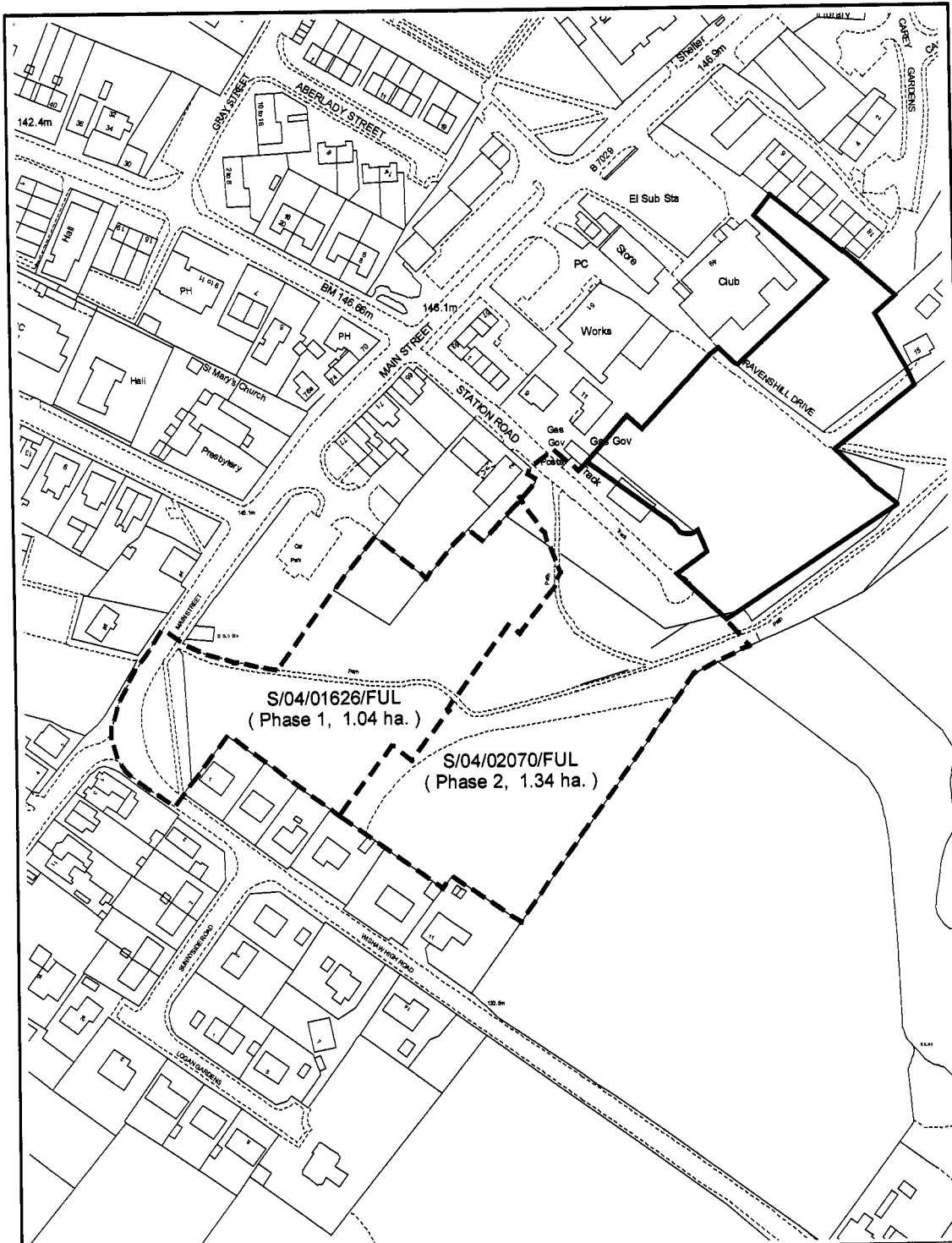
**Development Plan:** Central Industrial Area Part Development Plan - site zoned as Existing and Proposed Areas for Development other than Major Industrial Development. Southern Area Local Plan Finalised Draft (Modified 2001 & 2004) zones phase 3 part HSG 8 Established Housing Areas and part ENV 6 Green Belt.

**Contrary to Development Plan:** Yes

<b>Consultations:</b>	S.E.P.A.(West)	Comments
	Scottish Water	Objection
	British Gas Transco	Comments
	Scottish Power	No Response
	British Telecom	Comments

**Representations:** None

**Newspaper Advertisement:** 8.10.2004



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PLANNING APPLICATION No. S / 04 / 01730 / FUL

ERECTION OF 20 DWELLINGHOUSES WITH  
 ASSOCIATED ACCESS ROAD. ( PAHSE 3 ).

LAND TO REAR OF 1 - 11 WISHAW HIGH ROAD,  
 CLELAND, MOTHERWELL.

Site Area = 1.00 ha.

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**Recommendation: Grant Subject to the Following Conditions; -**

1. That the development hereby permitted shall be started within five years of the date of this permission.

**Reason:** To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.

2. That, notwithstanding the provisions of the Building Standards (Scotland) Regulations 1990, and before the development starts, a certificate from a recognised firm of chartered engineers, duly signed by a Chartered Engineer or Chartered Geologist of Geotechnical Adviser Status (ICE, SISG 1993) shall be submitted to the Planning Authority confirming the mineral stability of the site. This certificate shall be based on a professionally supervised and regulated rotary drilling programme. In addition a report from a Geotechnical Specialist, as defined by the ICE Site Investigation Steering Group, on the impact of the site stabilisation measures upon neighbouring properties and the ground water regime shall be submitted to and approved by the Planning Authority before any such works or any part of the development are commenced upon the site.

**Reason:** To ensure the mineral stability of the proposed housing site in the interests of prospective occupiers and to enable the Authority to consider the stabilisation works in detail.

3. That if following the report from the Geotechnical Specialist required under the terms of condition 2 above any works to safeguard neighbouring properties are required then confirmation shall be supplied from the said specialist that the safeguarding works have been completed prior to the stabilisation works being commenced.

**Reason:** In order to protect the neighbouring properties.

4. That before any of the works required to stabilise the site or to protect neighbouring properties are commenced the following details shall be supplied to the Planning Authority:-
  - a) details of the professionally qualified firm of engineers, who have professional indemnity insurance, who will be responsible for the design and supervision of the works;
  - b) details of the contractor who will undertake the works and
  - c) confirmation from the Coal Authority that all required approvals have been obtained from the Coal Authority.

**Reason:** In order that the Council has access to this information and to ensure that the works will be undertaken by the appropriately qualified persons.

5. That before the development hereby permitted starts, a report describing the soil and ground conditions prevailing over the application site (including details of the nature, concentration and distribution of any contaminants), shall be submitted to the Planning Authority and the works required in order to remove or render harmless these contaminants, having regard to the proposed use of the site, shall be agreed in writing with the Planning Authority, and development shall not be commenced until these works have been completed.

**Reason:** To ensure the site is free of contamination.

6. That before development starts, full details of the location and design of the surface water drainage scheme to be installed within the application site, particularly along the site boundaries, shall be submitted to and approved by the Planning Authority, and for the

avoidance of doubt the scheme shall comply with the Scottish Environment Protection Agency's (SEPA) principles of Sustainable Urban Drainage Systems (SUDS).

**Reason:** To safeguard the amenity of the area and to ensure that the proposed drainage system complies with the latest SEPA guidance and to avert the possibility of water run-off damaging neighbouring properties, particularly houses and gardens at 1-11 Wishaw High Road.

7. That before any development commences on site written confirmation shall be submitted to the Planning Authority that the drainage works are able to be carried out to the satisfaction of Scottish Water and the Scottish Environment Protection Agency and shall comply with appropriate good practice and design guidance in respect of Sustainable Urban Drainage Systems and before any dwelling is occupied written confirmation shall be submitted to the Planning Authority that these works have been completed to the satisfaction of Scottish Water and SEPA.

**Reason:** In the interests of amenity and public health in relation to drainage of dwellings, gardens and all hard surfaces.

8. That before the development starts, the applicant shall provide written confirmation to the Planning Authority that all the requirements of Scottish Water, have been fully met in respect of providing the necessary site drainage infrastructure to serve the development.

**Reason:** To ensure the provision of satisfactory site drainage arrangements.

9. That notwithstanding the terms of conditions (7) and (8) above, before any work starts on site, confirmation that the proposals to ensure that the post-development surface water flow does not exceed the peak pre-development flow are satisfactory to Scottish Water shall be submitted to the Planning Authority, and that these proposals shall be carried out in accordance with the approved details.

**Reason:** To ensure that surface water emanating flow from the site is acceptable to Scottish Water.

10. That before the development hereby permitted starts, there shall have been submitted to, and approved in writing by the Planning Authority, section and contour drawings showing the existing topography of the site, with proposed changes to ground levels and proposed levels of buildings. These shall be adhered to in the course of the development unless the Planning Authority allows, in writing, any variation.

**Reason:** Due to the need to regrade existing artificial slopes and to ensure that dwellinghouses facing existing dwellinghouses on Wishaw High Road would not be at such high levels as to give rise to significant overlooking.

11. That before the development hereby permitted starts, a scheme of landscaping, including boundary treatment, shall be submitted to, and approved in writing by the Planning Authority, and it shall include:-

- (a) A survey of all existing trees and hedgerows, plus details of those to be retained, and measures for their protection in the course of development;
- (b) a scheme of tree and shrub planting, including replacement planting for trees lost, incorporating details of the location, number, variety and size of trees and shrubs to be

- planted;
- (c) details of any earth moulding and hard landscaping, grass seeding and turfing;
  - (d) measures for the protection of retained vegetation in the course of the development and for mitigating adverse effects on vegetation loss for wild birds and
  - (e) details of the phasing of these works.

**Reason:** In the interests of amenity and in consideration of the desirability of tree planting/retention on the new edge of the settlement.

12. That within one year of the occupation of the last 10 dwellinghouses within the development hereby permitted, all planting, seeding, turfing and earth moulding included in the scheme of landscaping and planting, approved under the terms of condition 11 above, shall be completed; and any trees, shrubs, or areas of grass which die, are removed, damaged, or become diseased within two years of the completion of the development, shall be replaced within the following year with others of a similar size and species.

**Reason:** To ensure that the required landscaping does not fail to be established through damage or neglect.

13. That the proposals for landscaping shall include arrangements for transplantation by competent persons and at an appropriate season of samples of the rarer plants within the site, to locations either within or outwith the site the identification of the plant colony or colonies shall be agreed with the planning authority before earth-moving begins at the site.

**Reason:** In view of the existence of a small area of less common plants on the site.

14. That notwithstanding the provisions of condition 11 above the existing vegetation along the southern boundary of the site hatched GREEN on the approved plans shall be retained and thereafter maintained to the satisfaction of the Planning Authority, arrangements for which shall be included in the scheme of landscaping required under conditions 11 and 12 above.

**Reason:** In the interests of amenity and in consideration of the desirability of tree planting/retention on the new edge of the settlement.

15. That a route for continuous and safe passage on foot or by bicycle (including during construction on the site) along the approximate line of the former railway between the eastern and western tips of the site, connecting with the railway path in the open space northeast of the site and consistent with future similar use of the continuation of the former railway line toward Newarthill, shall be provided. Similar provision shall also be made for a connecting path to Station Road.

**Reason:** To allow for the diversion of the footpath.

16. That the more remote sections of footpath shown on the approved plans shall be finished in a hard sealed surface before occupation of the adjacent dwellinghouses.

**Reason:** In the interests of pedestrian safety.

17. That before the development hereby permitted starts, full details of the design and location of all fences and walls to be erected on the site shall be submitted to, and approved in writing by the Planning Authority.

**Reason:** To ensure that boundary features are of acceptable quality.

18. That before any of the dwellinghouses hereby permitted, situated on a site upon which a fence or wall is to be erected, are occupied, the fence, or wall, as approved under the terms of condition 17 above, shall be erected.

**Reason:** To ensure the provision of boundary features.

19. That before the development hereby permitted starts, full details of all external materials to be used in construction, including walls, roofs, windows, doors, gutters and downpipes, shall be submitted to, and approved in writing by the Planning Authority.

**Reason:** In order to ensure that materials are visually acceptable in a local context.

20. That before the development hereby permitted starts, a management and maintenance scheme shall be submitted to, and approved in writing by the Planning Authority, and it shall include proposals for the continuing care, maintenance and protection of:-

the proposed footpaths shaded RED on the approved plans,  
the proposed SUDS treatment shaded PURPLE on the approved plans.

**Reason:** To enable the Planning Authority to consider maintenance proposals in the interests of visual amenity.

21. That before completion of the development hereby permitted, the management and maintenance scheme approved under the terms of condition 20 shall be in operation.

**Reason:** To ensure maintenance of the sites identified in condition 20 above.

22. That before the development hereby permitted starts, details of all roads, footpaths, footways, driveways and manoeuvring areas shall have been submitted to and approved in writing by the Planning Authority. No dwellinghouse shall be occupied before the road and footway serving it have been completed to sealed basecourse level and all roads, footpaths, footways and manoeuvring areas shall be completed to sealed final wearing course level before occupation of the last dwellinghouse in the development.

**Reason:** To ensure that access to dwellings and through the site is at all times to an appropriate standard of surface

23. That the integral garages shall not be altered for use as a habitable room without the prior written consent of the Planning Authority.

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

24. That before each of the dwellinghouses hereby permitted is occupied, the first 2 metres of the driveway beyond the limit of the adjoining road, shall be surfaced in an impervious material, to be approved by the Planning Authority.

**Reason:** To prevent deleterious material being carried onto the road.

25. Development shall not begin until the proposed roundabout junction at the junction of Wishaw High Road and Main Street, with the provision of access into the application site as detailed on the approved plans for phase 1 has been provided in accordance with design details approved in writing by the Planning Authority. The proposed roundabout shall be designed in accordance with the Design Manual for Roads and Bridges and agreed departures from the manual with this Department. This should include appropriate forward visibility at plot 1.

**Reason:** In the interests of traffic safety.

26. That prior to any development, a revised plan shall be submitted to and approved in writing by the Planning Authority, and it shall include:
- (a) the speed table fronting plot 32 extended to a point 1 metre beyond the driveway of plot 33;
  - (b) the cul-de-sac serving plots 44 to 47 constructed as a road with a carriageway 5.5m wide with two 2 metre wide footways rather than the shared surface indicated on the plans;
  - (c) visitor car parking provision of 0.3 spaces per dwellinghouse evenly distributed, or such other level that may first be agreed in writing with the Planning Authority.

**Reason:** In the interests of traffic safety.

27. That the amendments required under condition 26 above shall be implemented in accordance with condition 22 above.

**Reason:** In the interests of traffic safety.

28. That before any works commence upon the site an updated survey report, undertaken by a suitably qualified person, of the site in relation to the impact of the development upon any species which receive statutory protection, particularly badgers and bats, shall be submitted to and approved in writing by the Planning Authority in consultation with Scottish National Heritage. The said report shall contain details of any mitigation or remedial measures required in order to protect such species or their habitats.

**Reason:** To enable the Planning Authority to consider these aspects in detail.

29. That before any part of the development is commenced any remedial or mitigation works required under the terms of condition (28) above shall be completed to the satisfaction of the Planning Authority in consultation with Scottish Natural Heritage.

**Reason:** In order to safeguard any protected species which may be adversely affected by the development.

30. That notwithstanding the terms of condition 1 above, development shall not begin until a finalised Footpath Diversion Order has been confirmed.

**Reason:** To ensure compliance with the relevant legislation.

## **NOTES TO COMMITTEE**

**That the applicant has agreed a financial contribution of £500 per dwellinghouse for improvement to off-site play facilities in lieu of on site provision. Planning permission should not be issued until this obligation has been met or the agreement is formalised in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997.**

**If granted, this application will have to be notified to the Scottish Ministers in accordance with the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 because the proposed development constitutes a significant departure from the Glasgow and the Clyde Valley Joint Structure Plan 2000.**

### **Background Papers:**

Application form and plans received 29<sup>th</sup> September 2004

Memo from my Transportation Manager dated 22<sup>nd</sup> October 2004  
Memo from my Geotechnical Team Leader dated 18<sup>th</sup> October 2004  
Memo from NLC Community Services received 19<sup>th</sup> October 2004  
Memo from my Pollution Control Manager dated 27<sup>th</sup> October 2004.  
Letter from S.E.P.A.(West) received 20<sup>th</sup> April 2005  
Letter from Scottish Water received 19<sup>th</sup> October 2004  
Letter from British Gas Transco received 12<sup>th</sup> December 2004  
Letter from British Telecom received 25<sup>th</sup> October 2004

Any person wishing to inspect these documents should contact Gordon Liddell at 01698 302128.



## **APPLICATION NO. S/04/01730/FUL**

### **REPORT**

#### **1. Description of Site and Proposal**

- 1.1 This application relates to phase 3 of a three phase development of 62 dwellinghouses on land extending from the rear of 1-11 Wishaw High Road to Spindleside Cottage south of Main Street and Station Road, Cleland. Also for consideration by committee are applications S/04/01626/FUL & S/04/02070/FUL although all three applications are inter-related. Of the 62 dwellinghouses, two are semi-detached, the remainder are detached and all are 4-bedroom. This application relates to the third and final phase of 20 dwellinghouses. The site takes access from a new roundabout at the junction of Main Street and Wishaw High Road and consists of a layout comprising one main residential street with three smaller cul-de-sacs. The different applications refer to three phases of development.
- 1.2 The application site for phase 3, which covers approximately 1 hectare, is located on the south western fringe of Cleland Village, to the east of phase 2. To the north is a mix of dwellinghouses and the Cleland Social Club. Station Road, from which it is proposed to take a pedestrian access is located to the north west. To the north east is a row of dwellinghouses (Carey Gardens) and Spindleside Cottage. Open space (both a managed grassed area and a field) lies to the south east. The boundaries of the site are well defined with a mix of screen fencing and planting adjacent to residences and a high hedge along the boundary with the open space to the south.
- 1.3 The former railway line does not dissect this section of the site but touches it to the south. A further path link is however provided close to Spindleside Cottage forming part of the wider path network which runs through the site. The northern half of the site is relatively flat although gently sloping down from Main Street.
- 1.4 The site is predominantly rough grassland with naturalised scrub thickets containing mature trees and shrubs. The area of the site to the south of the Station Road contains more mature trees. A mature hawthorn hedge marks the southern boundary. There are also further sections of hedging within the phase 3 site boundary.
- 1.5 These applications follow on from a previous consent on the site, with the over all site now extending further to the east through phase 3. The applicant proposes road improvements (new roundabout) to facilitate access to the development and to make a financial contribution to upgrading a nearby childrens play area.

#### **2. Development Plan**

- 2.1 The adopted development plan consists of the Glasgow and Clyde Valley Joint Structure Plan 2001 and the Central Industrial Area Part Development Plan (site zoned as Existing and Proposed Areas for Development other than Major Industrial Development). The more up-to-date Southern Area Local Plan, Finalised Draft (modified 2001 & 2004) is also relevant and zones the site part HSG 8 Established Housing Areas and part ENV 6 Green Belt.
- 2.2 Policy TR13 Assessing the Transport Implications of Development applies.

#### **3. Consultations and Representations**

- 3.1 Consultations were carried out with various bodies and their replies are detailed below.

- 3.2 Transco indicate that existing equipment may require to be protected or diverted. They advise that the developer should verify and establish the actual position of Transco pipelines/apparatus as in compliance with Health and Safety Executive Document HSG47 before any mechanical plant is used.
- 3.3 SEPA have no objection to the proposed development on the understanding that foul drainage is connected to the public sewer. SEPA also require that surface water from the site is treated in accordance with the principles of Sustainable Urban Drainage Systems. Further comments are provided regarding waste management and the proximity of the site to the William Forrests rendering plant, the proposed bio diesel plant at Omoa and the Auchenlea landfill site and the subsequent potential for odour complaints.
- 3.4 Scottish Water have objected to the application on grounds that the cost of providing infrastructure to serve the development is outwith their "reasonable cost" obligations in terms of the Sewerage (Scotland) Act 1968. Scottish Water advise that they will remove their objection should the applicant bear the infrastructure costs and provide an appropriate scheme.
- 3.5 British Telecom have no objection to the proposed development but advise the developer that diversionary costs may be required.
- 3.6 Scottish Power have no objection in principle to the development however request that the applicant is advised that they have apparatus within or adjacent to the site which may require alteration or protection at the developers cost. Scottish Power draw attention to the advice given in the Health and Safety Executive booklet HS (G) 47 – "Avoiding Danger from Underground Services" and their guidance note GS6 "Avoidance of Danger from Overhead Lines". Scottish Power have only responded on phase 2 of the development.
- 3.7 Scottish Natural Heritage have not responded to this phase, although through phase 2 advised that they have no objection to the development. They state that considering the proximity of the Bellside Burn and it's associated woodland (which is designated as a SINC) it is possible that various protected species, such as badgers, are present in the application. SNH advise that the applicants should consider this matter and confirm that no protected species are at risk. SNH also state that existing footpaths of rights of way should not be severed or lost as a result of the development.
- 3.8 NLC Community Services request that the woodland to the south of Station Road should be retained due to the age and species of some of the trees and the linkages this forms with adjacent semi-natural woodlands and SINC's. They also recommend that a tree survey be carried out with trees retained where possible, and appropriate mitigation throughout development where required. It is noted that the tree/hedgerow along the southern boundary of the site should be retained to provide an appropriate countryside edge. There is an area of Japanese knotweed, which requires to be adequately treated. In relation to footpath links it is recommended that links through Station Road and Ravenshill Drive are retained as well as the off-road link with Carey Gardens to the east.
- 3.9 My Transportation Team Leader has no objection to the development subject to the implementation of a new roundabout at the junction of Wishaw High Road and Main Street, providing access into the site, and various conditions with regard to the internal layout and parking provision.

#### **4. Planning Assessment and Conclusions**

- 4.1 This application requires to be assessed against the development plan and any other material considerations. Reference to applications S/04/0626/FUL (phase 1) and S/04/02070/FUL (phase 2) is also required.

- 4.2 The application site is zoned for development other than major industrial development in the adopted local plan. The emerging Southern Area Local Plan Finalised Draft (modified 2001 & 2004) however provides a more up-to-date policy position. In this case the eastern extremity of the application site is zoned HSG 8 Established Housing Areas on which residential development is considered acceptable in principle. The western section of phase 3 however is zoned ENV 6 Green Belt on which there is a general presumption against development. Notwithstanding this Green Belt zoning it is important to note this land forms a finger of Green Belt between two residentially zoned sites within the settlement envelope. Given the intended purpose of the green belt to safeguard the landscape setting of settlements and prevent their coalescence I consider the Green Belt zoning of this section of land to be inappropriate. There are no objections to its development after standard consultation procedures, subject to some comment on ecological aspects. I consider that these can be adequately covered by conditions. The recreational aspects of the land (footpath links) can be retained through the development and given the limited size, shape and location of the land between two residentially zoned sites I do not consider that the loss of this section of open ground would be significant to the countryside, the green belt or opportunities for informal recreation. Moreover, the vegetation at the southern edge of phase three will form a more obvious defensible green belt boundary. Given this situation, it is noted that should Members be minded to grant planning permission the application requires to be referred to Scottish Ministers as a departure from the Development Plan.
- 4.3 On the basis that residential development of this section of the site is acceptable consideration of normal design and open space standards is required. Policy HSG 10 Assessing Applications for Housing Development details criteria against which new housing proposals will be assessed, and includes:
- 1) Impact of the development on the existing built and natural environment,
  - 2) Application of measures to reduce energy consumption and promote efficiency,
  - 3) Treatment of existing environmental site conditions (mineral and contamination),
  - 4) Measures taken to ameliorate the risk of flooding,
  - 5) Density, layout and mix of housing,
  - 6) Design elements such as building height, material and positioning,
  - 7) Design and layout details with regards to reducing level and fear of crime,
  - 8) Provisions made for landscaping, screening, open space and play areas, and
  - 9) Provision made for roads, access, parking and garage space.
- 4.4 The phase 3 site is considered to be able to accommodate development without undue impact on adjacent buildings or an unreasonable impact on the natural environment. The shape of the site fits reasonably well into the pattern of development southeast of Main Street and west of Carey Gardens, rather than being a projection into rural surroundings and rounds off the built form of this part of Cleland. An assessment of vegetation within the site can be incorporated by conditions with the retention of trees where possible and the replacement where not. A similar condition is also attached with regard to any protected species on site.
- 4.5 A significant issue raised through consultation is the existing footpath network. There is currently an off road path network from Carey Gardens through to the north west corner of the site with pedestrian access also taken from Station Road and Ravenshill Drive (to Spindleside Cottage). Whilst the walks through the site are fairly pleasant they are greatly marred by the predominant presence of rubbish and the obvious abuse of secluded spots for drinking. The paths are not defined as a Right of Ways in the CROW (Scotways Catalogue of Right of Ways) database although would appear to meet the criteria for becoming a right of way through prescription and limitation. Subsequently, the applicant has retained access from the open space through the site via the main road network to shadow the existing desire lines. This pedestrian access is taken through phase 3. Additional pedestrian access via Station Road is also retained and a condition is attached to ensure this is implemented to an appropriate

standard. The existing access at Ravenshill Drive is much less used and was traditionally an access for Spindleside Cottage (which will take a new access through the proposed development). The quality of this access is substandard and does not allow a pleasant pedestrian link given the rough ground, the fact that it is unlit and the adjacent industrial unit. The proposed link via Station Road is in close proximity resulting in very little difference on walking times. Taking the above into account it is not considered necessary to retain this link.

- 4.6 In relation to criterion 2 there are no reasons to recommend the application for refusal.
- 4.7 Criterion 3 relates to the treatment of existing environmental conditions on the site. These are matters raised by both my Pollution Control Section and Geotechnical Team Leader. Notwithstanding these comments, ground contamination and site stability matters can be adequately addressed by conditions.
- 4.8 The applicant has provided indicative drainage proposals and it is considered that on the basis of the information provided this matter can be adequately covered by conditions to the satisfaction of Scottish Water, SEPA and the Council.
- 4.9 Criterion 5 relates to density, layout and mix of housing. The application consists of 20 detached two-storey properties. The entire site comprises a mix of two storey and split level designs. The individual plots satisfactorily meet current open space standards as detailed in the Council's "Developers Guide to Open Space" with the exception of three plots on the southern boundary. However these plots back onto open space and there is no direct impact on any other properties. The density throughout the site is therefore considered acceptable, as is the general layout arrangement.
- 4.10 Criterion 6 gives consideration to detailed design elements such as building height, materials and positioning. Phase 3 consists of two house types both of which are approximately 8.5 metres in height. This is considered to be reasonable for a development of this nature and not such that would merit refusal of the application by virtue of impact on surrounding land uses. The positioning of the dwellinghouses in their requisite plots is such that minimum rear garden lengths are achieved (with the exception of three as stated previously), as are minimum window to window distances. The impact of the properties on one another and existing dwellinghouses is considered acceptable from the perspective of privacy and overbearing effects. General materials for the development are considered acceptable although further control of these external finishes can be retained through a condition requiring the submission of samples.
- 4.11 The design and layout of the development is considered acceptable with regard to reducing level and fear of crime. One pedestrian access is being retained in phase 2, in addition to the main access and current path network to the south east. A condition is attached requiring that this pedestrian access is of an adequate width and surface and is appropriately lit.
- 4.12 Criterion 8 considers the provision of landscaping, screening, open space and play areas. It is noted that an established belt of vegetation is to be retained and improved (via planning conditions) along the southern boundary of the site. This acts as a useful buffer between the site and the wider countryside, reduces the impact of the development when viewed from the valley to the south and very importantly for this section of the site forms a new defensible green belt boundary. Where trees within the site cannot be retained a planning condition is included to provide additional planting at this section. With regard to open space and play provision it is important to consider the 3 phases together. While appropriate levels are not included within the site the development benefits from a direct link to managed open space and the wider countryside to the south east. Furthermore, the applicant is in agreement to providing a financial contribution to improving off site play provision. The boundaries of phase 3 are marked by a line of mature vegetation and fencing and this is considered to be adequate for screening purposes and visual amenity.

- 4.13 Criterion 9 considers the provisions made for roads, access, parking and garage space. This is also a requirement on policy TR13 Assessing the Transport Implications of Development. In this instance the development of phase 3 is adequately served by an appropriate road layout and access arrangement. For overall access to the development, the applicant proposes a new roundabout at the north west corner of the site and a condition is attached to ensure this is carried out prior to work starting on site. Besides this matter, current standards for parking, driveway position and traffic calming are, or can be achieved subject to conditions.
- 4.14 In relation to standard consultation procedures comments made by Scottish Water, SEPA and British Telecom can all be adequately addressed by planning conditions or advisory notes.
- 4.15 Following consultation with Pollution Control and my Geotechnical Team Leader issues on land contamination and site stability can also be covered by conditions.
- 4.16 Important nature conservation and footpath issues highlighted by NLC Community Services and SNH have also been adequately addressed through this report and by proposed conditions. It is not considered that these issues merit refusal of the application.
- 4.17 No objections have been received with regards to phase 3 of the development.
- 4.19 This application represents phase 3 of a three phase development. The site partially benefits from residential zoning in the Local Plan, while it is considered that there is adequate justification to merit a departure from the Green Belt zoning of the remainder of the site. The proposed development scheme is considered acceptable in terms of current design standards. Issues raised through consultation responses can be adequately covered through conditions and I do not consider there to be any other material considerations to preclude the granting of planning permission. I therefore recommend that planning permission be granted subject to conditions. It is noted that road improvements (new roundabout) are proposed to the public road network and the applicant has agreed to make a financial contribution to upgrading a nearby childrens play area in lieu of on site play provision. It should also be noted that this application should be referred to Scottish Ministers given it constitutes a departure from the Development Plan.