

	Delegated Report	Reference no.	P/21/0029
		Date	11 March 2022

Planning proposal: Erection of two dwellinghouses with associated studio flats above attached garage, raised decking at rear and formation of access.

Location: Land 120M Northeast of 55 Bothwell Road
Bothwell Road
Hamilton
South Lanarkshire

Application Type: Detailed planning application

Applicant: Mr. Shahid Chaudhary
Location: Land 120M Northeast Of 55 Bothwell Road
Bothwell Road
Hamilton
South Lanarkshire

Decision: Application refused

Report by: Area Manager (Planning & Building Standards)

Policy reference:

South Lanarkshire Local Development Plan 2 (adopted 2021)

Policy 1 - Spatial Strategy
Policy 2 - Climate Change
Policy 3 - General Urban Areas and Settlements
Policy 5 - Development Management and Place Making
Policy 13 - Green Network and Greenspace
Policy 14 - Natural and Historic Environment
Policy 15 - Travel and Transport
Policy 16 - Water Environment and Flooding
Policy NHE13 - Forestry and Woodland
Policy NHE14 - Tree Preservation Orders
Policy NHE20 - Biodiversity
Policy DM1 - New Development Design

Assessment

Impact on privacy?	No
Impact on sunlight/daylight?	No
Impact on amenity?	Yes
Traffic issues?	No
Adheres to development plan policy?	No
Adverse comments from consultees?	Yes

Consultations

Summary of response

Roads Flood Risk Management

The applicant should submit a flood risk assessment, sustainable drainage design, drainage details and appendices A, C and E from the Council's developer design guidance. The applicant has not proposed a drainage

design or made any indication of intended drainage proposals. Due to insufficient information, we would defer our decision to this current planning application until these issues have been addressed. (The applicant's agent was advised of the above comments).

CER Biodiversity Officer

The site has long been identified as being of local biodiversity interest and is currently noted as a potential Local Nature Conservation Site. It was assessed for its biodiversity value in 2019 and passed the criteria for becoming notified as an LNCS, though the formal process for doing so has not been completed. It is considered that the site is of local value in the South Lanarkshire context and should be recognised as such by the Planning process.

The area is potentially Ancient Woodland, and at the very least of long-established origin. It is not on the mapping system as such as it is too small to have been included. This does not detract from its value as a key part of the woodland network in this area; the associated ground flora, soil, microbes and fungi are therefore likely to be an irreplaceable biodiversity asset. Planting of new woodland will not recreate the habitat. The Biodiversity Strategy identifies woodland as a key ecosystem and presumes that there will be no loss of ancient woodland. This is supported by Policy NHE13 in LDP2. Policy NHE20 of LDP2 deals with development and biodiversity. As the response from Scottish Forestry notes, this development would likely lead to a permanent net loss of biodiversity. No mitigation proposals have been proposed that would compensate for the loss of ancient woodland habitat and soils.

Scottish Forestry Central Scotland
Conservancy

The main issue of concern to SF in relation to development planning is that of deforestation and the potential effects it could have on the ecology and landscape of local and wider environs. The planning area (site) is located in an area of woodland designated as a Tree Preservation Order (TPO) and it should also be noted that the woodland is on the National Forest Inventory. The TPO places the responsibility for all decisions relating to the management and retention of the woodland on the Local Authority. As the proposal will result in the permanent deforestation of 16% of the woodland, the Scottish Governments Control of Woodland Removal Policy should be taken into consideration by the planning department when making its decision on the proposal. In addition, a proposal for compensatory planting should be part of any development approval that results in the permanent deforestation of woodlands. The Supporting statement notes that the agreement to manage the remaining woodland will ensure a net benefit for the development. Permanently removing woodland results in a permanent net biodiversity loss not a gain. The Applicant has noted an alternative to managing the remaining 84% of the woodland themselves by gifting 49% of the woodland area that is not part of the development footprint to the community for their own use and management.

Consideration by any future manager/s of the woodland should be given to its silvicultural management and associated liabilities such an undertaking would present. Grant monies are available from Scottish Forestry to support the active management of Woodlands in and Around Towns by community groups but due to the size of woodland in question the available grants are unlikely to cover all the works, and additional funding or expertise may need to be sought.

Roads Development Management Team

Have no objection to the application subject to conditions requiring the submission of further details of the proposed access arrangements for pedestrians on Bothwell Road and details of refuse storage/collection. Informatives relating to wheel washing, parking for staff/operatives and storage of construction materials should also be attached should consent be issued.

Arboricultural Services

The revised proposal is still unacceptable and should be strongly refused. I support Scottish Forestry's statement that permanently removing woodland results in a permanent net biodiversity loss. The site has a place in the landscape as a stepping stone of habitat in the existing woodland network. I support the Biodiversity Officer's comments that the site has long been identified as a SINC/LNCS. It was assessed for its biodiversity value in 2019 and passed the criteria for becoming notified as an LNCS; though the formal process for doing so has not been completed. I would therefore consider that the site is of local value in the South Lanarkshire context and should be recognised as such by the Planning process.

Based on historical mapping and emails with NatureScot, the woodland at this site is at least LEPO and may be of ancient origin. The associated ground flora, soil, microbes and fungi are, therefore, likely to be an irreplaceable biodiversity asset; new woodland will not recreate the habitat. The only further information that has potential to contribute to decision making would be an ecological and mapping exercise to determine the value of the woodland as LEPO or AW. The applicant should note that this has the potential to further confirm the value of the woodland as an irreplaceable biodiversity asset. As stated in the AWI guidance, many woodlands of LEPO have similar value to AW and should be treated as such. I support Scottish Forestry comments that the planning area is located in an area of woodland designated as a TPO, it should also be noted that the woodland is on the National Forest Inventory.

As the proposal will result in the permanent deforestation of 16% of the woodland, the Scottish Governments Control of Woodland Removal Policy should be taken into consideration by the planning department. The supporting statement notes that the agreement to manage the remaining woodland will ensure a net benefit for the development. Permanently removing woodland results is a

permanent net biodiversity loss not a gain. The Applicant has noted an alternative to managing the remaining 84% of the woodland themselves by gifting 49% of the woodland area that is not part of the development footprint to the community for their own use and management. Consideration by any future manager/s of the woodland should be given to its silvicultural management and associated liabilities such an undertaking would present. Grant monies are available from Scottish Forestry to support the active management of Woodlands In and Around Towns by community groups but due to the size of woodland in question the available grants are unlikely to cover all the works, and additional funding or expertise may need to be sought.

The construction of the driveway/access road does not accord with best practice and would be detrimental to retained trees. The development would be detrimental to the setting of the Tree Preservation Order and amenity of the area. The proposed development will open the woodland to windthrow. The proposed development will put the remaining trees under threat from removal due to being considered overbearing and perceived as a potential risk by future landowners, particularly in high wind. The juxtaposition of the trees and proposed development is unacceptable, and the trees will be under threat from removal by future owners due to light obstruction and minor season nuisance etc. The proposal will result in the detrimental removal of 16% of the woodland. The council has agreed to increase tree cover in its urbanised areas to 20% by 2032 as part of the Clyde Climate Forest. This proposal does not support the Council's action. The proposal will have an adverse impact on a valued woodland and individual trees of high biodiversity and amenity value.

Environmental Services

Have no objection to the application subject to the inclusion of informatives relating to appropriate hours for audible construction activity and restrictions related to the site being located within a smoke control area.

Scottish Water

Have no objection to the application. They have advised that there is a 225mm VC foul sewer within the site boundary and that no building, private garden or other obstruction should be located within 3 metres of this asset.

Representation(s):

►	44	Objection letters
►	4	Support letters
►	0	Comment letters

Planning Application Delegated Report

1 Material Considerations

- 1.1 The applicant seeks detailed planning permission for the erection of two dwellinghouses with associated studio flats above attached garage, raised decking at the rear and the formation of access on land located within a prominent position on Bothwell Road (B7071) which is one of the main arterial routes running through the town of Hamilton.
- 1.2 The site is bounded to the north by several blocks of flatted dwellings, to the south by the grounds of Hamilton College, to the east by the grounds of Hamilton Park Racecourse and to the west by Bothwell Road. It is located within an area of woodland which runs alongside Bothwell Road's eastern edge. This woodland is the subject of a Tree Preservation Order (TPO Reference HM/35). The part of the site which would be used to form the access to the proposed dwellings from Bothwell Road is covered by the Green Network.
- 1.3 The proposed six-bedroom dwellings would be located on an area of land located between the flatted dwellings at Hamilton Park South and the car park to Hamilton College. The proposed dwellings would be positioned on the eastern side of the plot overlooking Hamilton Racecourse and Strathclyde Park Golf Course. Vehicular and pedestrian access would be taken through the woodland off an existing access on Bothwell Road that currently serves Hamilton College. The supporting information advises that an agreement is in place between the applicant and Hamilton College to access the site from the existing entrance.
- 1.4 The dwellings would be two storeys in height incorporating traditional hipped roofs with windows on all elevations, including roof lights on the rear elevation and balconies incorporated on the front and rear elevations. A lower ground floor is also proposed for the buildings with windows and doors leading out to an enclosed balcony/patio formed within the rear garden. Steps would be accommodated at ground floor level to provide access to the rear garden. The proposal includes integral garages with nine car parking spaces formed between each dwelling.
- 1.5 The application site is located within the urban area in the adopted South Lanarkshire Local Development Plan 2. As discussed above, the woodland is the subject of a Tree Preservation Order (TPO Reference HM/35) and part of the site is covered by the Green Network. The relevant policies in terms of the assessment of the application are Policy 1 - Spatial Strategy, Policy 2 - Climate Change, Policy 3 - General Urban Areas and Settlements, Policy 5 - Development Management and Place Making, Policy 13 - Green Network and Greenspace, Policy 14 - Natural and Historic Environment, Policy 15 - Travel and Transport, Policy 16 - Water Environment and Flooding, Policy NHE13 - Forestry and Woodland, Policy NHE14 Tree Preservation Orders, Policy NHE20 - Biodiversity, Policy DM1 - New Development Design, Policy DM15 - Water Supply, Policy SDCC2 - Flood Risk and Policy SDCC3 - Sustainable Drainage Systems of the adopted South Lanarkshire Local Development Plan 2. The content of the above policies and documents and how they relate to the proposal is assessed in detail in Section 3 of this report.
- 1.6 In terms of the application site's planning history, the site has been the subject of several planning submissions which have been refused for reasons relating to road safety and due to the loss of the woodland which makes a significant contribution to the amenity of the area and has a high conservation value as a whole.

- 1.7 A detailed application on behalf of First Style (Scotland) Ltd for the formation of a new vehicular access was refused consent on 23 November 2011 under HM/11/0257. A subsequent detailed application for a vehicular access by the same applicant was also refused in July 2012 under HM/12/0056. This decision was the subject of an appeal to the Scottish Government (PPA-380-2022) which was dismissed by the Reporter on the 27 September 2012. In addition to the above, an application for the erection of two dwellings (planning permission in principle) under HM/13/0005 was refused on 28 March 2013. This decision was the subject of an appeal to the Planning Local Review Body (PLRB). Having reviewed the application, the PLRB upheld the decision and dismissed the appeal on 13 September 2013. The most recent detailed application for the formation of a vehicular access/egress was refused under application P/19/0420 on 4 October 2019.

2 Representation(s)

- 2.1 Statutory neighbour notification procedures were undertaken and the application was advertised in the Hamilton Advertiser under the heading Non-notification of Neighbours. Neighbours were also re-notified following the submission of an amended site layout. As a result of this publicity 48 letters of representation were received comprising 44 letters of objection and 4 letters of support. A petition against the proposal was also received. The grounds of representation are summarised as follows:

- (a) **The proposals will lead to the destruction of the local environment, in particular the protected woodland and scrubland. The applicant goes to great lengths to criticise the findings of South Lanarkshire Council's Arboricultural and Biodiversity Officers as well as the report by Scottish Forestry in relation to the condition of trees and the disruption which will be caused to the woodland by the proposed development. There is nothing in the revised application (drawings) which addresses the objections to the original application submitted in January 2021 and the applicant questioning the integrity and experience of Council staff is surprising. This latest application refers throughout to the creation and maintenance of a Woodland Management Plan to be implemented following the development of the houses. It should be noted that the applicant has now owned this site for many years and in that time has never made any attempt to carry out any maintenance to this woodland.**

Response: The consultation responses to the application from Scottish Forestry, and the Council's Arboricultural and Biodiversity Officers have been highlighted above. In summary, it is considered that the proposal would have an adverse impact on the visual amenity of the area and would prejudice the integrity of the woodland in which the site is located and which is a protected local resource and of high conservation value.

- (b) **The site is zoned as 'Green Network' in the South Lanarkshire Local Development Plan Settlement Maps, and not Housing. This application is, therefore, in direct conflict with the Local Plan at a time when the preservation of green areas is more vital than ever before. The development will destroy the site which is designated as High Amenity Value, High Conservation Value and High Landscape Value.**

Response: The application site is located within the urban area in the adopted South Lanarkshire Local Development Plan 2. The site is also located within an area of woodland which is the subject of a Tree Preservation Order (TPO Reference HM/35) and part of the site is covered by the Green Network. It is considered that the woodland in which the application site is located makes a significant contribution to the amenity of the area and would be adversely affected by the proposed development of two houses and the associated access road.

- (c) **There are road safety issues in relation to the site access through the grounds of Hamilton College and at a busy junction onto Bothwell Road which would represent an unnecessary additional danger to parents and pupils entering and leaving the**

premises. Existing traffic flows are already a cause for concern and represent a serious risk of accident and injury to members of the public. The works would add further congestion to a busy area with school children, turning vehicles and other residential properties etc.

Response: As highlighted above, Roads Development Management have advised that they have no objection to the application subject to conditions requiring the submission of details of the access arrangements for pedestrians on Bothwell Road and details of refuse storage/collection. Informatives relating to wheel washing, parking for staff/operatives and storage of construction materials would also have to be attached to any consent that was issued.

- (d) **Overall disregard to Global Warming and the pursuit of improving the environment especially when the International COP26 Conference is being held in Glasgow this year.**

Response: The proposal's impact on the natural environment is discussed in Section 3 of this report.

- (e) **Removal of the woodland and the erection of the buildings proposed would have an adverse effect on the character of the area. The new proposal involves reducing the overall footprint of the new houses and relocating them outwith the Green Network/Green Space boundaries. The revised plans and relocation of the buildings does not address any of the overall concerns and objections previously submitted in relation to damage to the environment, wildlife and woodland. The new houses would be located beyond the building line of the existing flats and would be detrimental to the current outlook and landscape of the area.**

Response: Whilst the amended layout shows the proposed houses located outwith the Green Network the area of the site which would be used to form the access to the proposed dwellings via Bothwell Road is covered by the Green Network. The impact of the proposal on the existing woodland is discussed in detail in Section 3 below.

- (f) **No Flood Risk Assessment (FRA) has been submitted and the site is designated as Medium Risk on the SEPA Flood Maps. Regular significant local flooding is evident, especially on the eastern area of the site where the proposed new buildings will be located. The proposed amendment involves building on a steep slope. This gradient currently acts as a natural drainage route for flood water. The proposed buildings would block the natural drainage route, thereby increasing the flooding risk to Hamilton Park South properties. Therefore, there are concerns regarding how the developer might reroute the flooding, displaced by any new build, to prevent it encroaching on our land.**

Response: Roads Flood Risk Management were consulted on the application and advised that the applicant should submit a flood risk assessment, sustainable drainage design, drainage details and appendices A, C and E from the Council's developer design guidance. The applicant has not proposed a drainage design or made any indication of intended drainage proposals and therefore due to insufficient information they recommend that any decision should be deferred until these issues have been addressed. The applicant's agent was advised of the above comments, however, to date the required information has not been submitted. That said it should be noted that any drainage proposals/arrangements have potential to impact on the trees in the site due to underground pipes etc.

- (g) **Impact on Residents - we would like to take this opportunity to request that the applicant actions the following, as a matter of some urgency: fulfil the 'burdened property' legal obligation to protect the land from any changes or development and withdraw the planning application and desist from any future plans or planning applications to change or develop the land; fulfil the 'burdened property' legal obligation to maintain the land: undertake all urgent maintenance, including all**

related to significant health and safety risks; create and undertake a medium and long term maintenance programme to meet all outstanding needs and issues; and reimburse Hamilton Park South residents for all maintenance costs incurred to date.

Response: Whilst the above points are noted they are not material planning considerations and are essentially legal matters which require to be addressed between the parties concerned.

- (h) **There must be plenty of other opportunities to build such expensive properties in other suitable areas where there is much less intrusion, infringement to nature and impact on local property owners.**

Response: The merits of the application are discussed in Section 3 of this report.

- (i) **During current COVID 19 restrictions the Scottish Government is encouraging people to take exercise outside, and near their homes, to limit transfer of infection. This land is utilised on a daily basis, by the public, to access green space for fresh air and exercise. Any development will prohibit this use. It is also worth noting that, due to COVID restrictions, several owners are stranded abroad or in England, and unable to travel home. This will limit the number of objections being submitted. The COVID pandemic is therefore disadvantaging the process of public consultation/response to this application. The general public who utilise this facility, on a daily basis, etc. will largely, or wholly, be unaware of this application. This is compounded by the fact that locals are prevented from meeting, and some organisations and bodies have not been accessible, due to the ongoing COVID lock down, and a cyber-attack.**

Response: The merits of the application are discussed in Section 3 of this report. In terms of publicity, statutory neighbour notification procedures were undertaken and the application was advertised appropriately in the Hamilton Advertiser under the heading Non-notification of Neighbours. It must be acknowledged however that the use of this privately owned land for leisure/walking purposes is at the sufferance of the owner.

- (j) **Although the proposed development is low density the north facing gable wall of the house, adjacent to Hamilton Park South development would be in close proximity to the dividing fence at Hamilton Park South, and only a further 1½ metres from the Hamilton Park South building. This proposed gable incorporates 1 window and 2 sets of double patio doors at ground level and 3 windows and a balcony at first floor level. All of these windows will directly face onto the gable of the 8 flats in Hamilton Park South, which have large floor to ceiling windows. The new development will therefore result in overlooking, and a loss of privacy, for the 8 flats looking directly onto the proposed development.**

Response: Based on the information on the submitted drawings the distance between the proposed northern most dwelling and the closest flat in the Hamilton Park South development is approximately 15 metres. The windows on the gable elevation of the proposed dwelling would also be offset from any windows on the existing flatted block. Due to the distance between the existing and proposed dwellings and the orientation of the buildings it is considered that the proposed development would have no significant adverse impact on adjacent properties in terms of overlooking and loss of privacy if approved.

- (k) **The proposal will result in a loss of light and overshadowing, especially for the flats on the lower levels. The loss of sunlight (internal and external) for residents is of particular concern.**

Response: Due to the distance between the existing flatted dwellings and the proposed dwellings and the orientation of the buildings it is considered that the proposal will not have any significant adverse impact on the amenity of the residents of those flats in terms of loss of light and overshadowing, especially giving the impact of the existing trees.

- (l) **It looks like there is no provision for a garden at all on the plans. I find this slightly hard to believe that a huge detached house would be built with no or minimal garden. In theory the garden could be as close as 2m to the nearest flats. Bedrooms & Living Rooms are the rooms which face onto the woodland.**

Response: I have concerns regarding the area of usable garden ground proposed and this matter is discussed further in Section 3 below.

- (m) **Noise pollution, light pollution and air pollution (cars, etc.) would also adversely impact Hamilton Park South residents and beyond.**

Response: Subject to the inclusion of informatives relating to appropriate hours for audible construction activity and restrictions related to the site being located within a smoke control area no adverse comments were raised by Environmental Services in this regard. Any additional traffic and associated pollution/noise however would be relatively marginal in the context of the immediate neighbourhood.

- (n) **There appears to be evidence of ongoing confusing information being submitted.**

Response: The level and degree of all information submitted in relation to the proposal is considered to be sufficient to enable the Planning Service to make an appropriate assessment of the application.

- (o) **It is noted that no environmental statement has been submitted, however a Survey commissioned by the National Trust for Scotland and verified by the National Biodiversity Network (Scotland), records that a great variety of birds and wildlife use this site and the surrounding area as their natural habitat. Any development would devastate this rich and diverse eco system. The risk to existing habitat (deer etc), conservation and destruction of the landscape would significantly outweigh any amendments being presented. The local area must continue to retain the conservation and habitat value as any erosion of this and or capitulation at this point simply paves the way for further erosion of these elements.**

Response: It is acknowledged that the relatively undisturbed woodland provides many benefits including habitat for many forms of wildlife. Again, the merits of the application in relation to such matters are recorded in Section 3 below.

- (p) **This woodland area should be maintained by the owner not the residents of Hamilton Park South. There has been no evidence of maintenance or care that has been carried out on the land as was supposed to which could contribute to a decline in health of the area. This negligence could then make the area in poorer condition and more likely to result in planning being granted. However, the cause of this decline and linkage to lack of maintenance by the applicant should be considered. I believe that the application, if successful, would lead to the possibility of future applications for extended development of the forested area.**

Response: The merits of the application are discussed in Section 3 of this report. The suggested non-maintenance of the land involved is not a material planning consideration in terms of the assessment of the application and instead is a legal matter which requires to be resolved by the parties concerned.

- (q) **The access is still granted through a private arrangement with the school which could be revoked at any time leading to further development required to gain access to established houses so should not be seen as a sustainable solution.**

Response: Any private arrangement that the applicant has in place with the school regarding the proposed access to the site is a legal matter and not a material planning consideration in terms of the assessment of the application.

- (r) **The area will not look like natural woodland anymore. Although the trees scheduled for removal are category C trees which are deemed lower quality, this does not**

mean they should be removed. Even in the tree report commissioned and paid for by the applicant - it does not state this. It merely states in his 'opinion' the removal wouldn't matter. I'm not sure this is good enough, seems like a judgement call to me. If this is the case, I would always side with the 'keep things as they are' argument.

Response: The proposal is not supported by the Council's Arboricultural Manager and others as it is considered to be unacceptable as the woodland in which the application site is located and its associated habitats make a significant contribution to the amenity of the area and would be adversely affected by the proposed development.

- (s) **The Tree Report conducted by Keith Logie was commissioned and paid for by the applicant/proposed developer. While there is nothing untrue in the report, quite a bit of the conclusion seems to be stated as 'in my opinion', which is not exactly conclusive; the report is slanted towards being favourable to the person who paid for it.**

Response: The submitted Tree Report, its contents and conclusions, have been assessed as part of the application process. It is fair to record that the Council's Arboricultural Managers comments do not accord with the report.

- (t) **The site is covered in ancient woodland tracing back to the Duke of Hamilton Estate and is protected by a Tree Preservation Order to protect the natural environment. If planning permission is granted for 2 houses and a road this strengthens the applicant's case to further develop the land. The TPO is weakened by having some development already on the land. A TPO is granted primarily for environmentally aesthetic purposes, I would argue having part of the area developed would be in opposition to the reason the TPO was granted.**

Response: The TPO was promoted to protect these trees for amenity and environmental reasons. Indeed the application site and its associated habitats do make a significant contribution to the amenity of the area and would be adversely affected by the proposed development.

- (u) **Applicant's solicitor's submissions 8 Feb 2021 (x2) the solicitor asserts....'right to a reasonable use of their property' - however, all the evidence available indicates the applicant continues to not adhere to the legal duty and responsibility to: 1. Protect the land from any/all development 2. Carry out maintenance 3. Comply with public health & safety/landowner's duty of care (Occupier's Liability (Scotland) Act 1960), e.g. see above multiple unmet maintenance needs identified 2019 (some urgent), including potential risk to pedestrians & road users on Bothwell Road**

Response: Whilst the above points are noted they are once again legal matters which require to be addressed between the parties involved divorced from the planning process.

- (v) **Crucial organisations have not been contactable, since the circulation of the Neighbour Notification Notice, due to unprecedented factors e.g. SEPA, Woodland Trust, RSPB. Vital support to our objections is therefore unavailable at this time.**

Response: It is considered that an appropriate level of consultation has been undertaken in relation to the scale of proposal involved and the issues highlighted may have delayed input/comment rather than prevented same.

- (w) **Large scale destruction and damage indicated by Tree Reports, Tree Report – confusion or omission of key findings Current report states 'a number of trees and shrubs would require to be removed, but the best trees will be retained, and the impact in arboricultural terms would be relatively small.' This is in stark contrast to the previous tree report(s) commissioned by the applicant, the most recent being 2019.**

Response: The submitted tree survey has been assessed by the consultees and their consultation responses are highlighted at the beginning of this report.

- (x) **Right of Way** – The designation of the site as Amenity Land implies that access rights to woodland, in favour of residents of Hamilton Park South, and the wider public exist, and ‘Prescriptive Servitude’ could be applied for to gain permanent access, as the rights have been in existence for over 20 years without interruption. Statutory access rights already exist in favour of the public at large and the site is an established public link between Bothwell Road (Public Park) and Hamilton Race Course, Palace Grounds, Strathclyde Park, and Chatelherault. There are multiple entry points onto the site leading to informal pathways created by regular users, and providing unhindered access to Greenspace, with families, walkers, joggers and dog walkers crossing the site on a daily basis. The site has therefore connected 2 public places for many years.

Response: Such aspects are essentially legal related aspects. The fact is that no recorded right of exists on the site.

- (y) **No consideration of this application should be given by South Lanarkshire Planning Department until an official and binding commitment, acceptable to Hamilton Park South residents, is received from the applicant stating that all terms in the Design Statement will be fulfilled. Should this fail to materialise, South Lanarkshire Planning Department assume the Design statement is a tactic rather than a commitment and treat all terms of the Design Statement as dubious. Even if an official statement as outlined above is given to South Lanarkshire Planning Department, all objections received for other reasons would be fully considered. Any planning consent (after full consideration of all objections received) would be subject to the legal transfer of ownership, acceptable to Hamilton Park South residents, of all agreed areas prior to the commencement of any works.**

Response: Matters relating to a possible land transfer are legal matters which require to be agree/resolved between the parties concerned and should not unduly influence the determination of this application. There is no guarantee at this date that such an agreement would be concluded.

- (z) **I am concerned about the value of our properties at Hamilton Park South being affected by these houses due to a loss of privacy with new entrances and removal of green land.**

Response: Loss of value is not a material planning consideration.

- (aa) **This application must be viewed in the context of an attempt to open up a green belt area for housing development. The last application by the applicant for a turning area off the Bothwell Road for vehicles to allow then to maintain the forested area was rejected by the Planning Committee.**

Response: The application site is located within the urban area in the adopted South Lanarkshire Local Development Plan 2 and is not green belt as suggested. The site is also located within an area of woodland which is the subject of a Tree Preservation Order (TPO Reference HM/35) and part of the site is covered by the Green Network. The planning history of the site has been detailed previously.

- (bb) **Removal of the woodland and the erection of the buildings proposed would have an adverse effect on the character of the area. It is evident that this woodland area is thriving in wildlife, an aspect which should not be overlooked. A suitably qualified ecologist - holding a degree in ecology and covered by a professional code of conduct e.g. CIEEM, IEMA, LI - should be appointed and consulted to confirm the ecological value of this area before any proposals are given a second review. I'd expect this to include multiple site visits whereby the ecologist can base their findings on inspections at appropriate times of the year when different plant and animal species are present and evident.**

Response: It is considered that the proposal has been assessed appropriately in relation to its impact on the woodland and its associated habitats by Forestry Scotland, and the Council's Arboricultural and Biodiversity Officers.

- (cc) **As a general rule of thumb, any trees more than 10 years old are considered to be of ecological value. To achieve the basic level of sustainable practice in new builds, all features of ecological value within a construction zone must be protected from damage during clearance, site preparations and construction activities in line with BS 42020:2013. This is evidently impossible to achieve based on the current planning proposals. The long term impact on biodiversity must be appropriately assessed and this should include for all development proposals in the construction zone therefore, the council should rightly reject this proposal and revert back to the architect and their client to ascertain the ultimate extent of the development area and their future aspirations for the use of the surrounding land. Only then can the impact and damage of the development on the current environment be fully, and correctly, assessed.**

Response: As above, I am satisfied that the proposal has been considered appropriately in relation to its impact on the woodland and its associated habitats by Forestry Scotland, and the Council's Arboricultural and Biodiversity Officers.

- (dd) **The site is designated as Amenity Land for the 40 flats at Hamilton Park South and a Title Burden prohibits development of any kind. In January 2016 the owners of the site applied to the Land Tribunal for Scotland to have the title burden removed. In response the residents of HPS engaged a Solicitor who lodged an objection to any amendment to the title on our behalf. This was based on protection of the natural environment and safeguarding access to local amenity land.**

Response: Once again matters relating to land ownership are legal considerations which require to be resolved between the parties concerned.

- (ee) **The designation of the site as Amenity Land implies that access rights to woodland in favour of residents of HPS exist and 'Prescriptive Servitude' could be applied for to gain permanent access as the rights have been in existence for over 20 years without interruption. Statutory access rights already exist in favour of the public at large and the site is an established public link between Bothwell Road (Public Park) and Hamilton Race Course, Palace Grounds and Strathclyde Park. There are gates in the perimeter fencing at Hamilton Park North to encourage unhindered access to Greenspace with families and dog walkers crossing the site on a daily basis. The site has therefore connected 2 public places for over 100 years.**

Response: The application site is located within the urban area in the adopted South Lanarkshire Local Development Plan 2. The site is also located within an area of woodland which is the subject of a Tree Preservation Order (TPO Reference HM/35) and part of the site is covered by the Green Network. The merits of the application are discussed in Section 3 of this report.

- (ff) **This land was gifted by the builders of the properties on Hamilton Park North and South to a Tree Preservation Society, its use is prohibited, and the owner in purchasing the land should have performed their diligence to understand permitted use. The Council should be acting to protect the limited remaining green space between existing developments and the environmentally sensitive area towards the River Clyde which has an active ecosystem including red squirrels and deer, which would be damaged by further development and human activity.**

Response: Noted. The Council were not involved in the sale of this site.

- (gg) **The final development state is not clear. For example, see P/19/0420, which asked to build a gate between Hamilton Park and the College without further details. Such appears to be the case here with two large buildings proposed, which could be**

sliced into smaller apartments, and second, which will be precedent for further development. It is not reasonable to have several unvetted residents housed behind the secure gate of Hamilton College, which is located directly at its entry towards Bothwell Road. Such a scheme would not conform with best practices on school grounds' security during lesson hours.

Response: It is not possible to prejudge the applicants/landowner's attention and therefore this concern cannot influence the determination of the application. In a similar manner the school entrance gates and the impact/influence of same of access etc is for the school to assess and respond accordingly.

- (hh) **The area identified for development in the drawings and in particular the entire area adjacent to the racecourse, is officially identified and listed with coordinates as an active badger set on the UK's National Badger Protection Database.**

Response: The existence of a Badger set has not been highlighted previously in the related ecology studies. It may be that the information is out of date. Nevertheless, if planning permission was to be granted appropriately worded conditions would be attached to the permission to address the above matter.

- (ii) **I would like to strongly support this application as my grandson and my 2 nephews are pupils at Hamilton College senior school. As it is just now after school hours especially in the winter months the school grounds especially in the wooded area is being used by local teenagers as a place to congregate. Therefore, it would be beneficial for these properties to be built as it would become a safer place overall for the school, the pupils and the local residents.**

Response: The above points are noted. Ultimately it is for Police Scotland to address allegations of misbehavior/public safety concerns rather than the planning process.

- (jj) **The Tree Preservation Order no 35 registered on 28 November 1991 is referred to in the Titles of the flats in the flatted development where many of the objectors reside and which therefore would have been taken into account by the Council when considering the application by Bellway Homes for that development.**

Response: It is accepted that the TPO referred to would have been a consideration in the determination of the planning application that authorised the said flats. It should also be noted that the Council's local plan policies have become more prescriptive during this time period with more emphasis placed on the protection of the natural environment.

- (kk) **Some doubts have been expressed about the nature of the applicant's offer to donate the remaining woodland to the residents. This offer was first made on 12th September 2016 to the solicitor acting for the residents. It has been confirmed that the general principle of reaching an agreement was of interest to the residents. The applicant has agreed now to all of the resident's requirements but the residents solicitor has still to confirm his clients' final agreement. The last remaining issue was regarding an area of ground which my clients originally wanted to retain but the applicant agreed to the resident's request to include that area and this was communicated to their solicitor with fresh plans on 3 February 2020.**

Response: Once more this is a legal matter between the parties concerned.

- (ll) **Scottish Forestry and the Tree Survey Report make it clear that there is a path whereby the proposed development can proceed in a sympathetic manner and for the ultimate benefit of the woodland and the neighbouring proprietors. Many objectors appear to consider the applicant's private property as their amenity ground but there is no titular basis for this. There is no legal connection between the neighbouring flats and the development site. Reference was made to the Lands Tribunal case which remains sisted pending the consideration of the applicant's offer to donate the woodland to the residents mentioned above as it has always been the applicant wish to progress through consensus rather than dispute.**

Should agreement not be reached the Tribunal case will resume and the applicant fully expects to be successful in that. The woodland area has no commercial value as such and in fact is a financial burden in the absence of any reasonable prospect of development and it is neither fair nor reasonable for objections seeking to preserve unentitled amenity at the applicant's expense.

Response: The above land ownership/title burden issue is a separate legal matter which requires to be resolved between the parties concerned.

- (mm) Previous planning concerns regarding access to the site have now been addressed and the applicants have worked hard to put in place access arrangements which are safe and which will have no significant impact on traffic flow as some objectors have suggested. I would submit that any objections on grounds of privacy or prospect be disregarded as not being legitimate or reasonable. Most objectors are residents of a relatively recent flatted development about which many of the concerns expressed could equally have been made. I am more than happy to support this application.**

Response: It is accepted that this application proposes revised access arrangements (when compared with previous submissions) and the Council Roads and Transportation Services have offered no insurmountable comments having no adverse comments from a road engineering perspective. This however is only one consideration in relation to the assessment and determination of this application.

3 Assessment and Conclusions

- 3.1 In simplistic terms the main determining issues in relation to this application are its compliance with local plan policy, its impact on amenity, especially in terms of the woodland covered and protected by a Tree Preservation Order, and road safety.
- 3.2 As discussed above, the application site is located within the urban area in the adopted South Lanarkshire Local Development Plan 2. The site is also located within an area of woodland which is the subject of a Tree Preservation Order (TPO Reference HM/35) and part of the site is covered by the Green Network. The relevant policies in terms of the assessment of the application have been highlighted in Section 1.5 above.
- 3.3 In terms of the principle of residential development on the site, the site is located within the General Urban Area. In this regard, Policy 3 states that within the urban areas and settlements identified on the proposals map, residential developments on appropriate sites will generally be acceptable. However, the policy goes on to say that particular consideration will be given to likely impacts on the amenity of the area. This will include locally important greenspace, local services and facilities, proposed servicing, parking arrangements and access. Developments which would be detrimental to the amenity of residents and the wider community or to the character of the surrounding area will not be permitted. Whilst the general principle of residential development in this urban area reflects the general land use designation, for the reasons highlighted above by Forestry Scotland, the Council's Arboricultural Service and the Council's Biodiversity Officer in addition to the reasons provided in the following paragraphs, it is considered that the formation of two house plots and associated access/driveways on this site would be unacceptable in terms of the holistic requirements of this policy.
- 3.4 With regard to the detailed design of the proposal, Policies 5 and DM1 generally require new development to have due regard to the layout, form, design, local context and landscape character of the area and to promote quality and sustainability in its design. In general design terms it is considered that the form, design and finish materials of the buildings proposed are considered to be acceptable. However, whilst the proposed dwellings are considered to be acceptable in terms of their design there are concerns regarding the layout for the proposed development. The layout for the two dwellings was

revised with a view to ensuring that the development would have less of an impact on important areas of woodland or important individual trees within the site and the proposal's impact on the woodland is discussed in the following paragraphs below. When assessing the amended layout of the proposal against the terms of the above policies there are concerns regarding the amount of usable garden ground being provided for the dwellings and the impact that the proposal would have on the context and landscape character of the immediate area. Specifically, the amended site layout shows the proposed dwellings re-positioned closer towards the northern and eastern boundaries of the site. The site layout originally submitted with the application showed the side elevation of the most northerly dwelling positioned approximately 24 metres from the northern boundary of the site and the main bulk of the rear elevation of the building positioned approximately 17 metres from the eastern boundary of the site, with a projected element of the building located approximately 12 metres from that boundary. However, the amended layout involves the two dwellings being re-positioned within the site and closer to the site boundaries with a reduced area of usable garden ground proposed. The amended layout shows the side elevation of the most northerly dwelling located approximately 12 metres from the northern boundary, rather than 24 metres, and the main bulk of the rear elevation of the building located within approximately 7.5 metres of the eastern boundary, with the projected element of the building located approximately 2 metres from that boundary. In order to reduce any impact on important areas of woodland or important individual trees within the site the repositioning of the dwellings has resulted in a considerable reduction in the amount of usable rear garden ground being provided for the two dwellings contrary to the standards set out in the Council's Residential Design Guide. This is of importance as the two houses are of significant size and accordingly the potential rear garden space and depth should be commensurate with the size of the house proposed. For the above reasons, it is considered that the proposal fails to meet the terms of Policies 5 and DM1.

3.5 As highlighted, part of the site is covered by the Green Network and in this regard Policy 13 states that where applicable, development proposals should safeguard the green network, as identified on the proposals map, and identify opportunities for enhancement and/or extension which can contribute towards:

- placemaking,
- mitigating greenhouse gases and adapting to the impacts of climate change,
- supporting biodiversity,
- enhancing health and quality of life,
- providing water management including flood storage, and buffer strips,
- development of blue-green networks using existing watercourses,
- improving air quality,
- providing areas for leisure activity,
- providing areas for allotments and community growing areas, and
- promoting active travel.

3.6 The application site is undoubtedly located within an area of woodland which is the subject of a Tree Preservation Order (TPO Reference HM/35). In this regard, Policy NHE14 states that trees and woodlands that are considered to be of significance will be protected from inappropriate development through the enforcement of existing Tree Preservation Orders (TPOs). Any development likely to affect existing protected trees should be accompanied by a full tree survey with written justification for any losses.

3.7 The Planning Statement submitted is supported by a Tree Survey which identifies that the woodland in which the development is being located forms two distinct parts, broadly speaking comprising one area of mature and good quality trees worthy of protection and

management, and another relatively poor quality area of dense and quite young self-seeded trees which appear to be growing on land which had been significantly disturbed in the past few decades. It is within this latter area that the two houses are proposed. As discussed above, the supporting Statement advises that the proposal for the two houses was revised to ensure that the development would not have any significant impact on important areas of woodland or important individual trees. The Tree Survey advises that the proposal would result in the removal of a total of 44 trees and identifies that the vast majority of trees to be removed are category C, which are defined by the relevant British Standard as being of poor quality, and these are generally considered by the Tree Survey not to be worthy of retention.

- 3.8 In addition to the above, Policy NHE13 states that development proposals should seek to manage, protect and enhance existing ancient semi-natural woodland (ASNW), other woodlands, hedgerows and individual trees. Proposals likely to impact on woodlands, hedgerows or individual trees should be accompanied by a full tree survey and written justification for any losses. Proposals should accord with the Council's Tree Strategy. In all cases involving the proposed removal of existing woodland, the acceptability of woodland removal and the requirement for compensatory planting will be assessed against the criteria set out in the Scottish Government's Policy on Control of Woodland Removal. Removal for development purposes will only be permitted where it would achieve significant and clearly defined public benefits. In this instance, the submitted Planning Statement and Tree Survey have been carefully assessed by the consultees and it is considered that the proposed development of this area would undermine the integrity of the woodland and would be unacceptable in terms of this policy. The 'opening-up' of the woodland and removal of edge trees would predispose remaining trees to increased wind loading and potential failure. The juxtaposition of the trees and the proposed development is considered to be unacceptable, and the trees would be under threat from removal by future owners due to light obstruction and potential season nuisance etc. In this instance, the proposal would result in the detrimental removal of 16% of the woodland. The Council has agreed to increase tree cover in its urbanised areas to 20% by 2032 as part of the Clyde Climate Forest, therefore, the proposal does not support the Council's actions in this regard. To develop the site as proposed would have a significant and adverse impact on the visual amenity and landscape character associated with the existing woodland. In view of the above, it is considered that the proposed development of the site would be contrary to Policy NHE13.
- 3.9 Policy NHE20 deals with development and biodiversity and states that in order to further the conservation of biodiversity development proposals should demonstrate that they have no significant adverse impact on biodiversity, including cumulative impacts. Development proposals likely to lead to significant loss of biodiversity will only be supported if adequate mitigation and offsetting measures are agreed with the Council. Development proposals should consider opportunities to contribute positively to biodiversity, conservation and enhancement, proportionate to the scale and nature of the proposal. The Council's Biodiversity Officer has advised that the site has long been identified as of local biodiversity interest and is currently noted as a potential Local Nature Conservation Site. It was assessed for its biodiversity value in 2019 and passed the criteria for becoming notified as an LNCS, though the formal process for doing so has not been completed. On this basis, the proposal is considered to be contrary to Policy NHE20 as it would result in an unacceptable loss of woodland within the site and would likely lead to a permanent net loss of biodiversity.
- 3.10 As discussed above, the application site comprises of an area of established woodland which is considered to represent a valuable wildlife habitat containing several veteran native trees. Through the consultation process it has been acknowledged that this area of woodland provides a strong landscape context for the adjacent residential area as well as making a valuable contribution to the overall amenity of the area in general with Forestry

Scotland, the Council's Arboricultural Services and the Council's Biodiversity Officer expressing considerable concerns that any work in this area could have an adverse impact on the surrounding trees and the integrity of the woodland as a whole. It is also acknowledged that the relatively undisturbed woodland provides many benefits including habitat for many forms of wildlife. In view of all of the above, it is considered that the development of the site as proposed does not accord with the above policies and on this basis the proposal cannot be supported.

- 3.11 The issues raised by third party representations in respect of the threat to the woodland/wildlife as a whole by the formation of the two house plots are also considered to be fully justified and in general terms they support the concerns expressed by Forestry Scotland, the Council's Arboricultural Service and the Council's Biodiversity Officer.
- 3.12 In conclusion, whilst it is acknowledged that the application site is located within the General Urban Area where the principle of two house plots could generally be accommodated if the constraints highlighted previously were not applicable, the proposal is unacceptable as the woodland in which the application site is located and its associated habitats make a significant contribution to the amenity of the area and would be adversely affected by the proposed development. In view of all of the above, it is considered that the proposal cannot be supported and that detailed planning permission should be refused as the proposal is contrary to Policies NHE13 - Forestry and Woodland and Policy NHE20 - Biodiversity of the adopted South Lanarkshire Local Development Plan 2 as it would have an adverse impact on the amenity of the area, would prejudice the integrity of the woodland, which is a protected local resource and of high conservation value, and would lead to a permanent net loss of biodiversity.
- 3.13 Finally two previous applications for residential development at the site have been refused and related appeals dismissed. Although the details of the proposed vehicular access with this application have been revised, the generality of residential development and its negative impact on individual trees, the woodland overall and biodiversity remain. Such aspects were material to the determination of these historical applications and appeals. There has been no material change in such aspects since the previous decisions (although it could be advanced that the focus/move towards increased protection of the natural environment has intensified due to the new Local Development Plan 2). The determination of planning applications must be on a consistent footing/basis and there are no planning reasons whatsoever to come to a different conclusion in relation to the proposals impact on trees, wildlife, natural habitat/environment or the amenity of the wider area.

4 Reason for Decision

- 4.1 The proposal is contrary to Policy NHE13 - Forestry and Woodland and Policy NHE20 - Biodiversity of the adopted South Lanarkshire Local Development Plan 2 in that it would have an adverse impact on the amenity of the area, would prejudice the integrity of the woodland, which is a protected local resource and of high conservation value, and would lead to a permanent net loss of biodiversity. The proposal is also contrary to Policy 5 - Development Management and Place Making and Policy 13 - Green Network and Greenspace of the adopted South Lanarkshire Local Development Plan 2 in that: (i) it does not have due regard to the landscape character of the area; (ii) would have a negative and unacceptable impact on the visual amenity of the wider area primarily as a result of tree loss and (iii) would have an adverse and irreversible impact on the green network and future designation of the site as part of a Local Nature Conservation Area.

Delegating Officer: Steven Clark

Date: 18 March 2022

Previous References

P/19/0420

HM/13/0005

NOR/HM/13/001

PPA-380-2022

HM/12/0056

HM/11/0257

List of background papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 15.01.2021 & 01.09.2021
- ▶ Press Advertisement, Hamilton Advertiser dated 28.01.2021

▶ Consultations

Roads Flood Risk Management	26.05.2021
Arboricultural Services	04.05.2021 & 20.02.2022
CER Biodiversity Officer	22.04.2021 & 18.10.2021
Scottish Forestry Central Scotland Conservancy	02.02.2021
Roads Development Management Team	12.02.2021
Environmental Services	25.01.2021
Scottish Water	19.01.2021

▶ Representations

Mr. John Lawlor, 29 Hamilton Park South, Hamilton, ML30FH	Dated: 04.02.2021
Mr. John Hall, McAuley McCarthy & Co, 58/60 High Street, Renfrew, PA4 8 Q,	Dated: 05.02.2021
Mr. John Lawlor, 29 Hamilton Park South, Hamilton, ML30FH	Dated: 04.02.2021
Mrs. Jean Russell, 65 Hamilton Park South, Hamilton, ML3 0FH	Dated: 24.01.2021
Mrs. Rhona Hall, 34 Hamilton Park North, Hamilton, ML3 0FG	Dated:

	03.02.2021
Mrs. Bridget Power, 40 Hamilton Park North, Hamilton, ML3 0FG	Dated: 04.02.2021
Mr. Donald MacLellan, 54 Hamilton Park North, Hamilton, ML3 0FG,	Dated: 08.02.2021 08.02.2021
Mr. Mark Evans, 49 Hamilton Park North, Hamilton, ML3 0FG	Dated: 27.01.2021
Mr. Andrew McLaughlin, 27 Hamilton Park South, Hamilton, ML30FH	Dated: 28.01.2021
Mr. John McFarlane, 9 Hamilton Park South, Hamilton, ML3 0FH	Dated: 28.01.2021
Mrs. Elaine Renwick, 45 Hamilton Park North, Hamilton, ML3 0FG	Dated: 30.01.2021
Gordon Anderson, 6 Hamilton Park North, Hamilton, ML3 0FG	Dated: 02.02.2021
Gordon Anderson, 6 Hamilton Park North, Hamilton, ML3 0FG	Dated: 02.02.2021
Gordon Anderson, 6 Hamilton Park North, Hamilton, ML3 0FG	Dated: 02.02.2021
Iain Hall, 34 Hamilton Park North, Hamilton	Dated: 04.02.2021
Ms. Morven McPherson, 51 Hamilton Park South, Hamilton, South Lanarkshire, ML3 0FH	Dated: 04.02.2021
Ellie Bryce, Received Via Email	Dated: 28.01.2021
Mark Horgan, 35 Hamilton Park South, Hamilton, South Lanarkshire, ML3 0FH	Dated: 05.02.2021 05.02.2021
Alan McCulloch, 41 Hamilton Park South, Hamilton, South Lanarkshire, ML3 0FH	Dated: 05.02.2021 05.02.2021
Yvonne McKeown, 61 Hamilton Park South, Hamilton, South Lanarkshire, ML3 0FH	Dated: 08.02.2021 08.02.2021
Morven McPherson, 51 Hamilton Park South, Hamilton, South Lanarkshire, ML3 0FH	Dated: 05.02.2021 05.02.2021
Jordan Bryce, 55 Hamilton Park South, Hamilton, ML3 0FH	Dated:

	28.01.2021 28.01.2021
Anita and Stephen Hughes, 57 Hamilton Park South, Hamilton, ML3 0FH	Dated: 04.02.2021 04.02.2021
Rebecca Lennon, 45 Hamilton Park South, Hamilton, South Lanarkshire, ML3 0FH	Dated: 04.02.2021 04.02.2021
Anne Trevorrow, 53 Hamilton Park South, Hamilton, South Lanarkshire, ML3 0FH	Dated: 04.02.2021 04.02.2021
Alasdair Houston, 73 Hamilton Park South, Hamilton, South Lanarkshire, ML3 0FH	Dated: 01.02.2021 01.02.2021
Mr. Paul Williamson, 67 Hamilton Park South, Hamilton, South Lanarkshire, ML3 0FH	Dated: 01.02.2021 01.02.2021
Mr. Charles Starr, 41 Hamilton Park North, Hamilton, ML3 0FG	Dated: 31.01.2021 31.01.2021
Hamilton Park South Action Group, Received Via Email	Dated: 24.09.2021
Mrs. Lesley Patrick, 51 Bothwell Road, Hamilton, ML3 0BB	Dated: 04.02.2021
Mr. Graham Patrick, 51 Bothwell Road, Hamilton, ML3 0BB	Dated: 04.02.2021
Mr. David Adams, 21 Hamilton Park North, Hamilton, ML3 0FG	Dated: 04.02.2021
Cameron McCann, 45 Hamilton Park South, Hamilton, ML3 0FH	Dated: 04.02.2021
Mr. George Cumming, 16 Hamilton Park North, Duchess Park, Hamilton, ML3 0FG	Dated: 04.02.2021
Mr. Daniel Smith, 44, Dunlop Crescent, Lanarkshire, G33 6GS	Dated: 07.02.2021
Mr. John Hall, McAuley McCarthy & Co, 58/60 High Street, Glasgow, G77 6FP	Dated: 05.02.2021
Dr Tahira Idrees, 49 Hamilton Park South, Hamilton, ML3 0FH	Dated: 19.02.2021 19.02.2021
Mr. Brian Hall, 4 Hamilton Park North, Hamilton, ML3 0FG	Dated:

	31.01.2021
Mrs. Kate O'Connor, 71 Hamilton Park South Bothwell Road, Hamilton Park South, Hamilton, ML3 0FH	Dated: 28.01.2021
Mr. Russell White, 31 Hamilton Park South, Hamilton, ML3 0FU	Dated: 25.01.2021 25.01.2021
Miss Katie McTear 10 Hamilton Park North, Hamilton, ML30FG	Dated: 29.01.2021 29.01.2021
Mr. Colin Taylor, 59 Hamilton Park South, Hamilton, South Lanarkshire, ML3 0FH,	Dated: 03.02.2021
Mr. John Hall, 58-60 High Street, Renfrew, PA4 8QP	Dated: 12.02.2021
Sandra Nimmo, 14 Hamilton Park North, Hamilton, South Lanarkshire, ML3 0FG	Dated: 15.02.2021
Hamilton Park South Action Group, Received Via Email	Dated: 25.03.2021
James and Claire Shirazi, 21 Silverbirch Grove, Quarter, Hamilton, South Lanarkshire, ML3 7XZ	Dated: 07.05.2021 07.05.2021
Kate O'Connor, Via Email	Dated: 19.10.2021
Mrs. Lesley Patrick, 51 Bothwell Road, Hamilton, ML3 0BB	Dated: 22.09.2021 22.09.2021

Contact for further information

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

Jim Blake, Planning officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 453657

Email: jim.blake@southlanarkshire.gov.uk

Planning Application

Application number: P/21/0029

Reasons for refusal

01. The proposal is contrary to Policy NHE13 - Forestry and Woodland - of the adopted South Lanarkshire Local Development Plan 2 as the proposal would adversely affect the integrity, amenity, landscape and conservation value of the woodland in which the application site is located.
02. The proposal is contrary to Policy NHE20 - Biodiversity - of the adopted South Lanarkshire Local Development Plan 2 as the proposal would result in an unacceptable loss of woodland, which is a protected local resource and of high conservation value and would likely lead to a permanent net loss of biodiversity.
03. The proposal is contrary to Policy 5 and Policy 13 of the Adopted South Lanarkshire Local Development Plan 2 in that: (i) it does not have due regard to the landscape character of the area; (ii) would have a negative and unacceptable impact on the visual amenity of the wider area primarily as a result of tree loss and (iii) would have an adverse and irreversible impact on the green network and future designation of the site as part of a Local Nature Conservation Area.

Reason(s) for decision

The proposal is contrary to Policies NHE13 - Forestry and Woodland and Policy NHE20 - Biodiversity of the adopted South Lanarkshire Local Development Plan 2 in that it would have an adverse impact on the amenity of the area, would prejudice the integrity of the woodland, which is a protected local resource and of high conservation value, and would lead to a permanent net loss of biodiversity.

Informatives

01. This decision relates to drawing numbers:

Reference	Version No:	Plan Status
PP-01	REV E	Refused
PP-02	REV H	Refused
PP-03	REV A	Refused
PP-04	REV F	Refused
PP-05	REV D	Refused
PP-06	REV B	Refused