

	<h1>Report</h1>	Agenda Item <h1>16</h1>
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Report to: **Planning Committee**
 Date of Meeting: **26 May 2009**
 Report by: **Executive Director (Enterprise Resources)**

Application No CL/08/0582
 Planning Proposal: Mixed Use Development Comprising Residential; Hotel with Ancillary Leisure/Conference Facilities; and Associated Access Arrangements, Landscaping and Open Space (In Outline)

1 Summary Application Information

- Application Type : Outline Planning Application
- Applicant : Eatonfield Developments Ltd
- Location : Former Birkwood Hospital Site
Lesmahagow
ML11 0JS

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant Outline Planning Permission (Subject to Conditions – Based on Conditions Listed Overleaf)

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) Prior to the release of the consent, a Section 75 Agreement will be concluded between the Council and the applicant relating to the Heads of Terms detailed in paragraph 6.6 of the report.

3 Other Information

- ◆ Applicant's Agent: G Taylor Associates
- ◆ Council Area/Ward: 04 Clydesdale South
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (Adopted)**
 - Policy STRAT4: Accessible Rural Area
 - Policy RES2: Proposed Housing Sites
 - Policy RES3: Residential Masterplan Sites
 - Policy ENV11: Design Quality
 - Policy ENV30: New Housing Development
 - Policy ENV31: Design Statements
 - Policy ENV4: Protection of the Natural and Built Environment
 - Policy ENV 23: Listed Buildings

◆ Representation(s):

▶	2	Objection Letters
▶	0	Support Letters
▶	1	Comments Letter

◆ Consultation(s):

Leisure Services

Environmental Services

Greenspace & Countryside

Roads & Transportation Services H.Q. (Flooding)

Scottish Water

West of Scotland Archaeology Service

Strathclyde Partnership for Transport

Power Systems

Roads and Transportation Services (South Division)

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

Roads & Transportation Services H.Q.(Transportation)

Lesmahagow Community Council

Education Resources

Historic Scotland

Scottish Natural Heritage

Planning Application Report

1 Application Site

- 1.1 The application site consists of an extensive area of ground on the south-western edge of Lesmahagow. The site extends to 33 hectares and consists of the Birkwood Estate which was used latterly as a hospital, closing in 2002. The Category B listed Birkwood House is located in the centre of the estate and is surrounded by substantial areas of mature woodland interspersed with various pockets of open grassland areas. The Estate is covered by a blanket Tree Preservation Order. There are a number of other listed structures within the application site – the Driveway Bridge over the River Nethan at Abbeygreen Road (category B); walled garden (category B); South Lodge (category B); and the South Driveway bridge, situated off New Trows Road (category C). The category B West Lodge, which is in private ownership lies outwith, but immediately adjacent to the application site.
- 1.2 The River Nethan runs north/south, and effectively cuts off the eastern section of the site which includes the walled garden from the remainder of the Estate. The majority of the estate lies to the west of the river with the ground rising a total of 42 metres towards New Trows Road. An existing right of way runs along the southern boundary of the site whilst a network of well used paths exists throughout the Estate. There are also a number of unlisted buildings within the site, including former ward buildings, and an older stable block.
- 1.3 Birkwood Estate is bordered on the south and south west by agricultural land, while to the east, along Turfholm lies residential properties of varying sizes and design with the newest properties being located close to the Turfholm Bridge. The northern boundary is essentially formed by New Trows Road along which are a number of residential properties, many of which rely on off-street parking. A number of dwellings take access off private roads which previously provided vehicular routes into the Birkwood Hospital site.

2 Proposal(s)

- 2.1 The applicant seeks outline planning consent for a mixed use development comprising residential, hotel with ancillary buildings, and recreation space with associated access, landscaping and open space. The applicant has submitted various documents in support of the application, including a design statement, a bat survey and a transportation assessment, as well as a masterplan layout. Specifically this development involves the re-use of the Category B listed Birkwood House for a hotel with the potential for new- build leisure and conference facilities adjacent to it. Four areas for housing development ranging in size from 0.96 hectares to 5.3 hectares are proposed, whilst the unlisted stable block and former sanatorium building are identified for conversion to residential use.
- 2.2 The masterplan layout and associated Design Statement embody the philosophy of providing development within a quality landscape setting whilst maximising public access and footpath links to Lesmahagow. The four housing areas are located within separate “pockets” each clearly defined by mature woodland and estate roads; three of these areas will utilise a new access located to the south-west of West Lodge on New Trows Road , whilst the most southerly parcel of housing land would require the creation of a new access to the north of South Lodge. Measures to improve pedestrian safety including a footway along the development frontage at New Trows Road will be provided. The land in the centre of the Estate is identified as a parkland area with a tree lined perimeter, grassland areas with specimen tree planting and a

decorative water feature. It could also contain strategic play/recreation facilities for older children. To the north of Birkwood House, and adjacent to the River Nethan the masterplan layout has designated an area of ground for a recreation facility whilst the refurbishment of the walled garden may also enable that area of the Estate to provide some form of informal leisure use for the wider community. The historic Rookwood Path would be reinstated to provide one of the footpath links to the village centre, while the woodlands would be subject to a long term maintenance strategy.

3 Background

3.1 Local Plan Background

3.1.1 The adopted South Lanarkshire Local Plan identifies Lesmahagow as being within the Accessible Rural Area where Policy STRAT4 applies. The site is also identified as a New Housing Site. Policy RES2 states the Council will support the development of these sites for housing over the period of the local plan. In addition, the site is identified as a Residential Masterplan site where Policy RES3: Residential Masterplan Sites advises that support will be given to those residential development sites which require detailed consideration due to their scale, or capacity to incorporate mixed uses or resolve environmental issues.

3.1.2 In terms of the design and layout of development proposals Policies ENV11 and 30 are applicable as they require developments to demonstrate the application of the principles of sustainable development, whilst making a positive contribution to the character and appearance of the urban or rural environment. As advised by the Scottish Government and as required by Policy ENV32 a Design Statement is necessary to show the principles on which the development is based and explain the design solution. Further policies in relation to the built and natural environment (Policies ENV4 and 24) are also applicable to Birkwood Estate.

3.2 Government Advice/Policy

3.2.1 The Scottish Government advises within the Scottish Historic Environment Policy (October 2008) that “the protection of the historic environment is not about preventing change. Ministers believe that change in this dynamic environment should be managed intelligently and with understanding, to achieve the best outcome for the historic environment and for the people of Scotland. Such decisions often have to recognise economic realities”. (paragraph 1.8)

Scottish Planning Policy 3: Planning for Housing advises that “the conversion of commercial, industrial or institutional premises offer opportunities to create new residential environments with a distinctive character while retaining building of architectural or historic interest should be encouraged”.

Within Policy SPP15: Planning for Rural Development it is considered that there is scope to encourage more small scale rural housing developments particularly where such development will bring new environmental benefit or address a known shortage of different house types and size. The amount and location of housing will be determined by a number of factors including proximity to services, ease of access, drainage and sewerage capacities, fit into landscape and design.

3.3 Planning Background

- 3.3.1 A previous outline application (CL/06/0839) for Birkwood Estate was withdrawn in September 2008, as was an associated detailed application (CL/06/0846) for the erection of 60 houses and the formation of 10 house plots within part of the estate.

4 Consultation(s)

- 4.1 **Environmental Services** – have no objection to the proposal subject to a number of conditions relating to the submission of further information on contaminated land being attached to any planning consent issued.

Response: Noted.

- 4.2 **Roads and Transportation Services Transportation (HQ)** – following extensive discussions with the applicants regarding the location of the access points and their visibility splays, Roads and Transportation Services HQ have no objections to the proposal subject to a number of conditions regarding traffic calming, road markings, and measures to encourage the use of public transport. They recommend that a condition be attached to the grant of any planning consent requiring an assessment of pedestrian safety in the area of Birkwood as well as the provision of a footway on and along its development frontage on New Trows Road.

Response: Suitably worded conditions will be attached to any planning consent issued, and the provision of off-site traffic calming, road markings and bus shelters will be covered by conditions also. The applicant is aware of these requirements and has indicated a willingness to comply as they complement the development's ethos of encouraging safe pedestrian links with Lesmahagow.

- 4.3 **Roads and Transportation Services (South Division)** – have no objection to the proposals subject to the internal road layout, parking and driveways complying with the Council's Guidelines. There is insufficient information in the application to make further assessment.

Response: As the application is in outline, these details will be formally assessed during the processing of subsequent detailed applications.

- 4.4 **Roads and Transportation Services (Flooding)** – have advised that they have no objection to the proposed development subject to drainage design criteria being satisfied.

Response: Noted.

- 4.5 **Community Resources (Leisure Services)** – have not responded at the time of writing this report.

Response: Noted.

- 4.6 **Countryside & Greenspace Service** – have requested that conditions be attached to any planning consent which set out the requirements for public access throughout Blackwood Estate.

Response: Suitably worded conditions will be attached to the planning consent.

- 4.7 **Education Services (Schools Modernisation Team)** – no response had been received at the time of writing report.

Response: Noted.

- 4.8 **SEPA (West Region)** – SEPA have asked that any planning permission granted includes a condition requiring the discharge of surface water to be in accordance with the terms of current legislation and to be treated in accordance with SUDS. SEPA notes that foul drainage will be discharged to the public sewerage system. Although the site appears to lie outwith the Indicative River and Coastal Flood Map,

the application site is adjacent to a small watercourse and consequently the site may be at risk of flooding. Potentially further development is proposed in the south-east corner of the site in the vicinity of the walled garden; should development be formally proposed here, SEPA would object as this area lies within the 1 in 200 year flood envelope and is therefore at medium to high risk of flooding.

Response: Noted. The application is in outline, and at this stage there are no proposals to formally develop the area next to the walled garden. However a further detailed application to change the nature of the land would be required and at this time further information would be sought, such as a Flood Risk Assessment.

- 4.9 **Scottish Water** – whilst Scottish Water have no objection to the proposed development, they advise that due to the size of the development there may be a requirement for the developer to carry out, or to fund, works on the local water and waste-water networks to ensure that there is no loss of service to existing customers.

Response: The applicant has been made aware of Scottish Water's comments and a condition will be attached to any consent granted advising that no house can be occupied until Scottish Water agreement has been reached.

- 4.10 **Historic Scotland** - welcome the principle of the retention and adaptive reuse of the Estate buildings, and scrutiny of any proposals affecting the character of listed buildings would be afforded once Listed Building Consent applications were received. Historic Scotland would expect the Council to encourage the developer to seek a use for the Category B listed Walled Garden and to ensure it is given a viable future.

Response: The Council is keen to ensure that the important buildings and their setting within the Birkwood Estate are protected and will work closely with Historic Scotland in the processing of any detailed proposals.

- 4.11 **Scottish Natural Heritage** – advise that there are no internationally designated sites of nature conservation or landscape importance affected by proposals, however the survey work undertaken by the developer has identified numerous places within the existing buildings where bats are roosting. As some of these buildings may be demolished and only general mitigation and compensatory measures have been suggested, SNH strongly recommends that a detailed bat mitigation plan be developed. Furthermore, the information provided does not include an assessment of the potential for bats to be present in trees throughout the application site. To ensure compliance with legislation in respect of bats, any outline planning consent for this development should include a condition preventing any tree felling from occurring before the presence of bats is checked.

A badger survey was submitted with the earlier (withdrawn) application, but it is recommended that an updated survey of the application site is undertaken, and that any suggested mitigation measures be implemented. The field lying to the eastern side of the River Nethan and to the south of the walled garden has been identified as supporting a number of notable plant species, including greater butterfly orchid which is declining nationally. SNH considers that this area should be managed to maintain and enhance its biodiversity interest. A management plan detailing how this will be achieved should be requested as a condition of a planning consent granted.

SNH welcomes the commitment expressed on the submitted drawings to retain the woodlands within the Estate, and implement a long-term management regime. It is recommended that all woodlands to be retained during the proposed development be separated from adjacent construction sites where appropriate, by means of suitable fencing and in accordance with relevant guidance. SNH also recommend that the submission of a detailed woodland management plan as a condition of any planning

consent granted and that the applicant provides a design brief with any subsequent detailed application, and that it should show how landscaping will be employed to integrate the proposed housing areas into the existing landscape framework. A right of way exists along the southern boundary of the application site, and measures should be taken to ensure that this remains available for public use during, and after completion of the development.

Response: It is acknowledged that the ecology studies will require to be more detailed and updated to ensure that any mitigation measures are the most appropriate for the site and protected species found there. As the application is in outline, there are no specific proposals for the fields adjacent to the walled garden, but further consultations would occur with statutory bodies during the processing of any subsequent planning applications. The biodiversity value of this area is noted and reflected in the proposed conditions. In relation to the wider landscape of the Birkwood Estate, a maintenance regime will be necessary and this will be the subject of a condition, whilst a design brief will become a statutory requirement of revised Planning legislation that comes into effect in August 2009 for proposals of this scale, and will therefore form part of a future planning application.

- 4.12 **West of Scotland Archaeology Service (WoSAS)** - note that the applicant has already employed an archaeology contractor who has undertaken a desk based assessment and a walkover survey of the proposed development site. While the report acknowledges that there is likely to be a certain amount of disturbance associated with the construction of the hospital buildings, there are large proportions of the site where there is a possibility of unrecorded buried archaeological deposits surviving. The most appropriate way of assessing whether deposits are present and gauging their extent, nature and significance, would be through a programme of archaeological trial trenching. As there is no indication that this work has been commissioned, WoSAS seeks the inclusion of a negative suspensive condition on any planning consent granted. This will allow the potentially complex archaeology issues to be addressed in detail after the principle of development has been established.

Response: Noted. A suitably worded condition will be attached to any planning consent issued.

- 4.13 **Lesmahagow Community Council** - have advised that they support the proposals for the Birkwood Estate, and are impressed by the way the proposals retain the character of the area. Whilst there is concern about further residential development in the area and the associated increase in traffic particularly on New Trows Road, it is recognised that this is an essential trade-off for the conversion of Birkwood House. The Community Council seeks assurances that no further residential development will occur along this road. The Community Council is pleased to see that rights of way paths will be protected and the Rookwood path upgraded to allow pedestrian access to the south end of the village.

Response: Noted. The settlement boundary of Lesmahagow on New Trows Road is defined by Birkwood Estate which provides a robust and clearly defined boundary, and any development proposals beyond this would be assessed against the policies of the adopted South Lanarkshire Local Plan.

- 4.14 **Strathclyde Passenger Transport** – have commented that there are a number of bus services operating in the area, however these are peripheral to the application site and it is unlikely that they will divert into the estate as the accesses form a dog-leg off New Trows Road. A number of recommendations are made to encourage pedestrian links down into Lesmahagow and public transport use.

Response: Noted. Suitable conditions will be attached to any planning consent issued to address the issues raised including the implementation of off-site works to facilitate walking and public transport use.

- 4.15 **Scottish Power Systems** – have not responded at the time of writing this report.

Response: Noted.

5 Representation(s)

- 5.1 Following statutory neighbour notification and advertisement of the proposal as development potentially contrary to the development plan in the local press. Three letters of objection have been received, and are summarised as follows:

(a) Vehicular access to this development is being taken through New Trows Road which is a residential street, which at several points is congested by parking. The effect of 150 houses and a 28 bedroom hotel, coupled with normal local traffic will be accidents waiting to happen. It would be more sensible to open up both New Trows Road and Turfholm (or even just Turfholm) as the latter has few if any parked vehicles and easy access to the old motorway.

Response: A Transport Assessment and supporting documentation has been fully assessed by Roads and Transportation Services, and following extensive discussions and site meetings, they are satisfied that the development proposals and associated accesses comply with Council's guidance and will not result in an adverse impact in road safety. Unfortunately an access over the bridge onto Turfholm is not possible as there is a weight limit of 7.5 tonne; while its narrowness and listed status mean the physical upgrading necessary to achieve a suitable access cannot be achieved without detriment to the Estates character and amenity, however this route will form an essential element of the footpath network. As a condition of any planning consent granted, a pedestrian safety strategy will be required before any development commences. This will examine routes and possible traffic signage for the Birkwood area, to ensure that safe pedestrian movement is actively encouraged.

(b) The valley in the vicinity of the proposed development has considerable biodiversity value and the proposals could have a significant impact on that and the natural environment in general. The grassland habitats hold a diverse range of plants unusual in the area, and contribute to a corridor of semi-natural habitat which extends along the Nethan Valley and adjacent land, linking pockets of native woodland to the designated Clyde Valley Woodland Special Area of Conservation. The site includes an old grassland field, and its type of habitat has affinities to two UK Biodiversity Action Plan Priority Habitats as it is very rich in plant species some of which are uncommon in the area. The Phase 1 Habitat Survey does not highlight the grassland interest, although it does identify neutral and marshy grasslands along the valley to the south. Although the submitted plans do not show any proposed development on this area, they do show the field to be used for "landscape leisure" which means cutting the grass on a regular basis and using it for games or as a picnic area. This should be managed in a way that will conserve and enhance its diverse flora.

Response: The application plans and supporting studies have been examined by Scottish Natural Heritage, and in their consultation response they have also noted the importance of this field (see paragraph 4.7 above). They consider that this area should be managed to maintain and enhance the biodiversity interest. A condition will be attached to the grant of any planning consent requiring the submission of a long term management plan for this area.

(c) A field to the south of the River Nethan and adjacent to the application site has a greater diversity of species and should be protected from development impact. The River Nethan itself is a salmonid water course and otter, a European protected species are present along much of its banks. Whilst the proposals for Birkwood Hospital are welcome, it is important to protect the significant biodiversity interest and that all contractors are aware of these areas to ensure no damage takes place at any time during site preparation and construction phases.

Response: The application site does not extend to this field and as such no development will occur here. The protection of the quality of the River Nethan and other local watercourses falls within the remit of SEPA and the CARS licence system although this matter will also be considered in the preparation of drainage strategies associated with subsequent reserved matters applications for the site. Similarly, flora and fauna surveys will be reassessed and updated at that time.

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

6 Assessment and Conclusions

- 6.1 The applicant seeks outline planning consent for a mixed use development comprising of residential development, conversion of the listed Birkwood House to a hotel with the erection of ancillary leisure and conference facilities, landscaping and the formation of two new accesses onto New Trows Road. I consider the determining issues in this instance to be the proposal's compliance with local and structure plan policies, and the impact on the amenity and road safety of the area.
- 6.2 The development of the site for a mixed residential and employment generating use was identified in the Lower Clydesdale Local Plan which was adopted in 2004. The designation has been re-iterated in the recently adopted South Lanarkshire Local Plan, where Birkwood Estate is identified as lying wholly within the Lesmahagow settlement boundary, and highlighted both as a New Housing Site where Policy RES2 applies and as a Residential Masterplan Site where Policy RES3 advises that support will be given to residential development sites which require detailed consideration due to their scale, or capacity to incorporate mixed uses. In the case of Birkwood, the scale of development, the sensitivity of the landscape and built heritage resources requires a comprehensive approach to ensure all component parts are fully considered. In view of this the principle of the form of development proposed at the site has been established by the local plan process.
- 6.3 The application includes a layout for the Estate, showing four pockets for housing development, the size and location of which closely relates to the topography and landscape, and the formation of a parkland area. This will assist in maintaining the openness of the Estate whilst ensuring a range of views into and out of the site are maintained. Birkwood House itself would be converted for hotel use, but the character and setting of this building would be protected by the physical and visual separation from the housing pockets. A notional number of 152 units has been given for the new build houses, but I am satisfied that although this amount is greater than shown in the Housing Land Audit (Policy RES2: Proposed Housing Sites), the site has the capacity to accommodate this scale of development without detriment to the character of the Estate. The provision of employment generating uses required by the local plan is met by the proposed hotel. In order to safeguard this requirement, I propose attaching a condition to any consent, that requires the applicants to demonstrate, in the event they seek alternative uses for Birkwood House, that use is not viable.

- 6.4 A design statement submitted with the application, as required by Policy ENV32, analyses the topography, constraints and opportunities throughout the Estate and from that has promoted the development parcel concept described earlier. I am satisfied that the proposal is appropriate for the setting of Birkwood itself and under context of Lesmahagow. In addition, each parcel of housing land will have a backdrop of mature woodland, will not impinge on the setting of listed buildings while the masterplan layout makes provision for footpath links across the Estate and into Lesmahagow. The design principles have been well thought out and have been influenced by the setting of the House. Similarly, the plans for the re-use of Birkwood House accords with Scottish Government guidance, sustainability principles and the aims of the adopted local plan Policies ENV4: Protection of the Natural and Built Environment and ENV24: Listed Buildings which seek to preserve the buildings and their settings, with any associated new development being appropriate to the character of the area.
- 6.5 In relation to vehicular access to the development site, a considerable amount of discussion and survey work has occurred between the applicant and Roads & Transportation Services, to ensure that neither road safety nor the character of Birkwood Estates is compromised. Amended drawings have been submitted which show the formation of two new vehicular accesses from New Trows Road. These achieve the sightline requirements of Roads and Transportation Services although it should be noted the formation of the southern most access will necessitate the rebuilding of a stone pier at South Lodge. Consideration was given to using the existing bridge from Birkwood House to Turfholm, however this has a weight restriction and can not be utilised for vehicle access. Pedestrian movement throughout the Estate will be actively encouraged and to encourage links into Lesmahagow routes such as Rockwood will be reinstated and the bridge over the Nethan used as a pedestrian link to Turfholm. In addition a footway will be provided along the development frontage on New Trows Road.
- 6.6 As advised above, the form and scale of the development proposals comply with the terms of the adopted local plan, and the Council will ensure that the characteristics of the site, the listed buildings and their settings are appropriately treated in subsequent reserved matters applications. However it is crucial that the phasing of the new build elements are dovetailed with the renovation proposals for Birkwood House and the other listed buildings on the Estate. Therefore a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 will require to be concluded before any planning consent could be issued. The applicant is aware of this requirement. The Heads of Terms for this Agreement will include:-
- a) submission of a programme of initial, essential restoration works to render the listed buildings and structures wind and water tight and structurally stable;
 - b) submission of a programme of further concluding restoration works for the listed buildings and structures, phased relative to progress on the new build dwellinghouses;
 - c) phasing of the residential development with the re-use of Birkwood House;
 - d) ensured rights of access to Planning and Building Standards officials to site/premises to enable monitoring;
 - e) phasing of off-site road works and traffic management proposals.
- 6.7 In view of the proposals compliance with the policies of the adopted South Lanarkshire Local Plan and the need to ensure the longevity of the Category B listed Birkwood House whilst maintaining the character and amenity of the Estate, I would recommend that the proposal be granted outline consent.

7 Reasons for Decision

- 7.1 The application complies with Policies RES2, RES3, ENV4 and ENV24 of the South Lanarkshire Local Plan and there will be no adverse impact on the natural or built environment or road safety.

Iain Urquhart
Executive Director (Enterprise Resources)

12 May 2009

Previous References

CL/06/0839 & CL/06/0846

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
 - Enterprise Resources - Estates 16/10/2008
 - Roads & Transportation Services H.Q.(Transportation) 20/10/2008
 - Historic Scotland 20/10/2008
 - Roads and Transportation Services (South Division) 05/11/2008
 - Scottish Water 14/10/2008
 - Lesmahagow Community Council 22/10/2008
 - Environmental Services 22/10/2008
 - West of Scotland Archaeology Service 21/10/2008
 - S.E.P.A. (West Region) (Flooding) 21/11/2008
 - Roads & Transportation Services H.Q. (Flooding) 10/11/2008
 - S.E.P.A. (West Region) 10/11/2008
 - Strathclyde Passenger Transport 13/11/2008
 - Scottish Natural Heritage 21/01/2009
 - Historic Scotland 28/01/2009
- ▶ Representations
 - Representation from : Elizabeth Lang, Reddochbraes Farm, Lesmahagow, ML11

OHP, DATED 29/10/2008

Representation from : Hamilton Natural History Society, 1 Stonehouse Road,
Sandford, Strathaven, ML10 6PD, DATED 04/12/2008

Representation from : David Martin , 41 West Busk Lane, Otley, West Yorkshire,
LS21 3LY, DATED 14/11/2008

Contact for Further Information

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

Ailsa Graham, Planning Officer, Council Offices, South Vennel, Lanark ML11 7JT
Ext 3190 (Tel :01555 673190)
E-mail: Enterprise.lanark@southlanarkshire.gov.uk

CONDITIONS

- 1 That before the expiration of three years from the date of this outline permission and before any development starts, written applications and plans in respect of the following Reserved Matters shall be submitted to the Council as Planning Authority:
 - (a) a site layout plan at a scale of 1:500 showing the position of all buildings, roads, footpaths (including links onto Abbeygreen and surrounding areas), parking areas (distinguishing where appropriate between private and public spaces), walls, fences, landscaping, open space and recreational provision;
 - (b) plans and elevations of each house and garage type showing their dimensions and type and colour of materials;
 - (c) a landscaping plan at a scale of 1:500 showing the location, species and ground spread of existing and proposed trees, shrubs and hedges;
 - (d) details of the phasing of development (covering all relevant aspects of development detailed in (a) above);
 - (e) detailed cross-sections of existing and finished ground levels and finished floor levels, in relation to a fixed datum, preferably ordnance datum;
 - (f) details and location of all boundary walls and fences;
 - (g) provision of drainage works and the disposal of sewage;
 - (h) design statements for each development parcel;
 - (i) proposals for Birkwood House, the former sanatorium buildings, the former stables, South Lodge and Gateway, and Birkwood Walled Garden and the fields immediately adjacent;
 - (j) a Habitat survey for each development parcel.
- 2 That before any of the development parcels are disposed of, or within 6 months of the date of this consent, whichever is sooner, a Development Brief setting out the design principles, justifying the design solution and showing how the proposal responds to the wider context of the area as well as the characteristics of the site, shall be submitted for the written approval of the Council as Planning Authority. All subsequent applications shall accord with the aforementioned Development Brief to the satisfaction of the Council as Planning Authority.
- 3 That the development as a whole shall accord with the principles of the Masterplan (drawing L2095.OP.3, amendment nos 2, dated 7 April 09) hereby approved, to the satisfaction of the Council as Planning Authority.
- 4 That Birkwood House shall only be used as a hotel and leisure facility; in the event of the applicant proposing alternative uses, it shall be demonstrated to the satisfaction of the Council as Planning Authority that this use is not economically viable, and alternative plans for other uses will require to be supported by detailed plans and a business plan.
- 5 Details of the phasing of each of the development parcels shall be submitted to the Council for approval, and no work shall begin until the phasing scheme has been approved in writing. These details shall include information of those responsible for carrying out specific works within each phase and each part of the site. Following approval, the development shall be implemented in accordance with the approved scheme.
- 6 That the development hereby permitted shall be started either within five years of

the date of this permission or within two years of the date on which the last of the reserved matters are approved, whichever is the later.

- 7 That notwithstanding the terms of Condition 1 above, the design and siting of any dwellinghouse on the site shall take due cognisance of the rural location and the listed buildings of Birkwood Estate, with particular regard being paid to scale, massing, roof pitch, fenestration and materials; and shall take account of the Council's Rural Design Guide, and Residential Development Guide.
- 8 That the total number of new build dwellinghouses within the application site shall not exceed 165.
- 9 That before any work commences on site, or within 6 months of the date of this consent hereby approved (whichever is sooner) the applicant shall submit a strategic landscaping scheme for the whole application site as outlined in red and this shall take due cognisance of i) the tree survey required under the terms of Condition 12 below; ii) be respectful of the existing physical landscape characteristics; iii) allow for the planting of native indigenous species; iv) the formation of a formal parkland area as identified on the Masterplan (drawing no L 2095.OP.3 amendment 2, dated 7 April 09); and v) maintain an appropriate setting for Birkwood House.
- 10 That before any work commences on site, or within 6 months of the date of this consent hereby approved (whichever is sooner), the applicant shall submit an Estate Management Plan for the future management and maintenance of the application site in its entirety. This shall demonstrate how the existing landscape and features are to be integrated into the proposed site layout and landscaping scheme to reflect the original environment of Birkwood estate, and how these various areas of the site are to be maintained.
- 11 That the landscaping scheme required under the terms of Condition 9 above, shall be completed to the satisfaction of the Council as Planning Authority during a timescale to be agreed with that Authority, but in any case shall be within 3 years of the date of this consent. The approved planting proposals shall be carried out and thereafter maintained and replaced where necessary, all to the satisfaction of the Council. The details to be submitted shall include information on those responsible for carrying out the new planting.
- 12 That within 6 months of the date of consent, a detailed tree survey covering the entire site, shall be submitted for the written approval of the Council as Planning Authority and no work shall commence on site until these details have been approved.
- 13 That before any works commence on site, details of development within those areas annotated on drawing nos L2095.OP.3 (amendment 2, dated 7 April 09) as recreation facilities and parkland shall be submitted for the written approval of the Council as Planning Authority. Such information shall also include the play provision and amenity open space for each of the proposed development parcels and these shall comply with the standards contained in the Council's Residential Development Guide, all to the satisfaction of the Council as Planning Authority.
- 14 The site layout to be submitted as part of the application(s) for the approval of reserved matters shall take account of the Council's Access Strategy and the extent of the existing footpaths in public use which extend through the site, and these shall be clearly illustrated on the submitted plans to the satisfaction of the

Council as Planning Authority.

- 15 That before any work commences on site, or within 6 months of the date of this consent hereby approved (whichever is sooner), the applicant shall submit for the approval of the Council as Planning Authority, an Outdoor Access Plan for the provision of walking, cycling and horse riding, comprising:-
- (a) A plan at a scale of 1:500 indicating the location and alignments of all existing formal and informal access routes, paths and tracks within and across the site and including linkages with adjacent areas;
 - (b) A report detailing the existing condition of those routes;
 - (c) A plan at a scale of 1:500 indicating the proposed scheme of access routes for walkers, cyclists and horse riders [as appropriate] including linkages with adjacent areas;
 - (d) A statement showing how this scheme complies with the requirements of the Disability Discrimination Act 1995;
 - (e) Detailed specifications for the construction of all routes, and for all associated artifacts and structures such as seating, cycle racks, lighting, handrails, access controls, signage and interpretation;
 - (f) A programme for completion and subsequent management and maintenance.

No work shall commence on site until the written approval of the Council as Planning Authority has been given.

- 16 That the Access Plan required under the terms of Condition 15 above, shall be completed to the satisfaction of the Council as Planning Authority during a timescale to be agreed with that Authority, but in any case shall be within 3 years of the date of this consent, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.
- 17 That the further application(s) required under the terms of Condition 1 above, shall include a detailed scheme for surface water drainage. Surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland and with the Council's Sustainable Drainage Design Criteria and requirements and shall be agreed in writing with the Council as Planning Authority in consultation with SEPA.
- 18 That the only vehicular access points to the application site shall be as shown on drawing numbers L.2095.OP.3 (Masterplan) amendment nos 2, dated 7 April 09 and L2095.OP.4 amendment nos 1, dated 7 April 09, (visibility Splays to West and South Lodge accesses) and they shall be constructed in accordance with the specification of the Council as Roads and Planning Authority.
- 19 Prior to the occupation of any new-build house on the parcel of land highlighted by cross hatching, is occupied the following works shall be completed - (a) the provision of a vehicle activated sign to the north of the access formed on the northern side of South Lodge, New Trows Road; (b) the re-location of the northernmost stone pillar at South Lodge, as shown on drawing number L2095.OP.4 amendment nos 1, dated 7 April 09; all at the applicants expense and to the specification of the Council as Roads and Planning Authority.
- 20 Before the first new-build house erected on the application site as outlined in red, is occupied, the following works shall be completed - (a) the provision of road markings and coloured surfacing to delineate a route for pedestrians across Turfholm Bridge, Abbeygreen; (b) two bus shelters at the existing bus stops in Abbeygreen; all at the applicants expense and to the specification of the Council

as Roads and Planning Authority.

- 21 That no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with West of Scotland Archaeology Service.
- 22 (a) Prior to commencement of any works on site, a comprehensive site investigation carried out to the appropriate Phase level, shall be submitted to and approved in writing by the Council as Planning Authority. The investigation shall be completed in accordance with the advice given in the following:
- (i) Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995);
 - (ii) Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11) - issued by DEFRA and the Environment Agency;
 - (iii) BS 10175:2001 - British Standards institution 'The Investigation of Potentially Contaminated Sites - Code of Practice'.
- (b) If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model must be formulated and these linkages must be subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages using site specific assessment criteria will require to be submitted.
- (c) If the risk assessment identifies any unacceptable risks as defined under Part IIA of the Environmental Protection Act, a detailed remediation strategy will be submitted to and approved in writing by the Council as Planning Authority. No works other than investigative works shall be carried out on site prior to receipt of the Council's written approval of the remediation plan.
- 23 That before work starts on site or within 6 months of the date of this consent (whichever is sooner), a strategic habitat survey for the whole application site as outlined in red, shall be carried out and submitted for the approval of the Council. This shall include all necessary mitigation measures and timescales for their implementation. For the avoidance of doubt, this strategy will form the framework for the additional information required under the terms of Condition 1(j) above.
- 24 That no development shall commence on site until the applicant provides written confirmation from Scottish Water to the Council as Planning Authority that the site can be satisfactorily served by a sewerage scheme designed in accordance with Scottish Water's standards.
- 25 That the new residential development hereby approved shall be restricted to those parts identified in Section 8 of the Design Statement, dated September 2008.
- 26 That no electricity transforming or switching equipment, gas governor or sewage pumping station shall be erected on any part of the site without the prior written

consent of the Council as Planning Authority.

- 27 That before any work commences on site, or within 6 months of the date of this consent hereby approved (whichever is sooner), the applicant shall submit for the approval of the Council as Roads and Planning Authority, a Route Action Plan to mitigate against the potential conflict between pedestrians and additional vehicular traffic associated with the development. This Route Action Plan will in particular include a 2 metre wide footway, or an acceptable alternative width, along the development frontage on New Trows Road; vehicle activated signs; and the construction of sections of footway where appropriate between the development and Abbeygreen.
- 28 That the footways and vehicle activated signs required under the terms of Condition 27 above, shall be implemented prior to the occupation of any dwellinghouse within the application site.

REASONS

- 1 Consent is granted in outline only.
- 2 To provide an explanation of the design concept and to enable a greater understanding of the proposal.
- 3 In the interests of amenity.
- 4 To ensure that adequate steps are taken to ensure the future re-use of the listed building, and to safeguard the amenity of the area.
- 5 In order to retain effective planning control
- 6 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 7 In the interests of amenity and to ensure satisfactory integration of the development with the Birkwood estate as a whole and with the adjoining rural area.
- 8 In order to retain effective planning control
- 9 To secure an appropriate landscaping scheme for the site in the interests of maintaining the rural amenity of the site.
- 10 In order that the special physical characteristics of the landscape can be conserved and maintained.
- 11 In the interests of amenity.
- 12 In the interests of amenity.
- 13 To ensure the provision of adequate play facilities within the site and in order to retain effective planning control
- 14 To ensure that public access within and through Birkwood Estate is maintained.
- 15 In the interests of satisfactorily maintaining existing public rights of way and footpaths, and to encourage their shared use.
- 16 To ensure that development makes appropriate provision for outdoor access and to achieve the completion and subsequent maintenance of the access proposals within an appropriate timescale.
- 17 To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.
- 18 In the interest of public safety
- 19 In the interests of traffic and public safety.
- 20 In the interests of traffic and public safety.
- 21 In order to safeguard any archaeological items of interest or finds.
- 22 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.
- 23 To ensure that provision is made to safeguard the ecological interest on the site.

- 24 To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.
- 25 To ensure the protection and maintenance of the existing trees and other landscape features, and to protect the setting of the listed buildings within the site.
- 26 In order to retain effective planning control
- 27 To ensure satisfactory vehicular and pedestrian access facilities to the application site.
- 28 To ensure satisfactory vehicular and pedestrian access facilities to the application site.

For information only

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