

# Report

Report to:	<b>Clydesdale Area Committee</b>
Date of Meeting:	<b>26 February 2008</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Application No	CL/07/0508
Planning Proposal:	Erection of 3 Houses

## 1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mr Allan Crooks
- Location : Blackwood Estate  
Blackwood  
ML11 0JG

## 2 Recommendation(s)

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

- (1) Grant detailed planning permission (subject to conditions – based on conditions attached).

### 2.2 Other Actions/Notes

- (1) The Area Committee has delegated powers to determine this application

## 3 Other Information

- ◆ Applicant's Agent: Garry Adam Chartered Architect Ltd
- ◆ Council Area/Ward: 04 Clydesdale South
- ◆ Policy Reference(s): **Lower Clydesdale Local Plan (Adopted)**  
- RES14: Blackwood Estate

### **Finalised South Lanarkshire Local Plan – As Modified**

- RES2: Proposed Housing Sites
- ENV30: New Housing Development
- ENV31: Design Statements

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

◆ Consultation(s):

Planning & Building Control HQ (Conservation Officer)

Environmental Services

Greenspace & Countryside

Roads and Transportation Services (South Division)

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

Scottish Natural Heritage

Land and Fleet Services (Arboriculture)

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site forms part of the Blackwood Estate and extends to 1.8 hectares. The site rises generally to the south-east, with the northern portion of the site lying at 188 metres, and the highest point of the site being at 200 metres. As the site formed part of the parkland to the former Blackwood House, there are a number of specimen trees, including cooper beech, oak, horse chestnut and lime, the maturity of which is an important factor in the visual amenity and landscape character of the area. Rhododendron bushes are in abundance on the site and elsewhere on the Estate. Within the site, there are long, open aspects to the east and the site benefits from views over agricultural land towards Carluke. Immediately adjoining, to the west, is an area of former parkland which is also within the zoning for housing, with agricultural land beyond the former estate road. The southern boundary of the site is formed by mature woodland through which a well used right-of-way runs in an east/west direction. Set within the woods are a number of residential properties, whilst immediately to the north of the site are four houses of various ages and design. One of them, the Dovecot, is Category B listed.
- 1.2 Vehicular access to the site is from the B7078, Carlisle Road, by means of an unadopted metalled road generally some 3metres in width and approximately 1.5km in length. This roads serves Lairs Farm, the four properties to the north of the application site, and two residential properties (one currently under construction) within the woods to the south. The other properties within that area are served by unadopted road from the B7086 Kirkmuirhill to Strathaven road. The original estate roads which formerly linked all of the properties within the estate to Blackwood House have been gated to prevent through access by vehicles.

### **2 Proposal(s)**

- 2.1 Detailed planning permission is sought for the erection of 3 detached, five bedroomed dwellinghouses, each individually designed but having 1 ½ storeys with dormers to the upper floors. The houses will have steeply pitched slated roofs with exposed rafter ends and rendered facades, although reclaimed random rubble sandstone and larch cladding will be used to break up the expanse of render. The windows will principally have a vertical emphasis, although the orientation of the buildings has allowed the generous use of glazing in a variety of designs and scale. Each house has been designed with its main living spaces on the south side, with views to the east and west, and this has the benefit of reducing overlooking of neighbouring houses particularly to the north of the site. Houses 2 and 3 are located on the hillside and have an outdoor paved terrace on the south, between the house and the trees forming their boundaries. These stone faced terraces are cut about a metre into the hillside to give sheltered, private amenity areas.
- 2.2 The houses are designed to be energy efficient, and each will have individual geothermal heat pumps for space heating and hot water, whilst passive solar gain will reduce the need for the heat pump to operate. Solar panels may also be utilised. The timber kit will have a high level of insulation and it is also proposed to utilise a heat recovery ventilation system.
- 2.3 A rural feel is sought for the development and the boundaries between the plots will be kept to a metre in height – beech hedge between properties with a drystone dyke on the front boundary.

### **3 Background**

#### **3.1 Local Plan Status**

3.1.1 The adopted Lower Clydesdale Local Plan recognised that an opportunity exists to develop a limited number of upper market houses, and Policy RES14 states that proposals for a maximum of five dwellings would be considered.

3.1.2 The Finalised South Lanarkshire Local Plan - As Modified, constitutes a material consideration in the determination of this application. In this regard, the site is covered by Policies RES2: Proposed Housing Sites under which the site is specifically identified. Also of relevance for the detailed design and siting issues are Policies ENV30 and ENV33.

#### **3.2 Relevant Government Advice/Policy**

3.2.1 General Government advice is that new housing development should be within or close to settlements, but SPP15: Rural Development does recognise that in an increasing number of communities pressure is occurring for a greater range of rural housing. Where it can be demonstrated that there are constraints in and adjacent to the existing settlements, development plans should identify opportunities for appropriate forms of new development, based on the capacity of the landscape to absorb it.

#### **3.3 Planning History**

3.3.1 The application site formed part of a larger area which was subject to a public local inquiry during the public consultation for the Lower Clydesdale Local Plan. Following the Reporters recommendation the ground within the Blackwood Estate was included as a housing site for the development of up to five houses. This designation has been maintained in the South Lanarkshire Local Plan.

### **4 Consultation(s)**

4.1 **Roads and Transportation Services** – the Divisional Engineer has no objection to the proposed development being constructed from a private access subject to conditions relating to the construction of passing places, and the provision of parking within each plot.

**Response:** Noted. Conditions will be attached to the consent requiring the construction of intervisible passing places on the access before development begins on the houses.

4.2 **Environmental Services** – have no objection to the proposal.

**Response:** Noted

4.3 **SEPA** – in an original consultation response they advised that the ground conditions may not be suitable for the operation of the initially proposed method of effluent disposal by septic tank and sub-soil soakaway. In addition the topography of the site means there is a limited amount of space available for such a drainage system and that this would be 70 metres from the Cander Water, which has been classified as a Sensitive Area River due to the effects of eutrophication. On that basis SEPA objected to the initial drainage proposals, but have entered into detailed discussions with the applicant to investigate alternative foul drainage solutions. As a result, SEPA have agreed to the use of individual biodisc treatment plants connected to mound soakaways for each house and in that regard have removed their objection. Regarding surface water drainage, SEPA have stipulated the need for a SUDS

scheme, designed specifically for the site in order to prevent pollution to the water environment, particularly the Cander Water.

**Response:** Noted. The applicant has worked closely with SEPA in connection with the foul drainage for the site and has agreed a treatment method which minimises the impact on the local watercourses. I propose to attach conditions to any planning consent granted requiring the provision of further details on the siting and design of the biodiscs and mound soakaways.

#### 4.4 **Scottish Natural Heritage**

**Bats** – advised that rare Natterer bats are found on the Blackwood Estate and this parkland is potentially an important foraging area for the species, as well as Pipistrelle bats which are also found there. Construction work at the site could potentially disturb any bats that are roosting in the trees on site, and SNH recommends that a survey of trees is undertaken to determine whether they are used for roosting and also to determine how well the site is used for foraging. SNH notes that the ecological survey submitted by the applicant is a desk study rather than a field study which is because no trees are to be felled. However SNH recommends that a survey be carried out as there is a potential for Natterer bats to roost in the trees and use the site for foraging. It is likely that the parkland is an important foraging area for bats, and although foraging grounds are not protected by law, they are as important as roosting sites. Buildings will remove foraging habitats for bats, although buildings could provide roosts sites if human residents were prepared to accept them.

**Badgers** - There is a possibility badgers may use the site as it is a wooded area close to farmland, and SNH notes that the submitted ecology report records badgers using the parkland for foraging, but no setts were discovered on the application site or immediately adjacent to it. Accordingly SNH have suggested several mitigation measures that should be put in place.

**Landscape:** The site is a parkland habitat and has a variety of tree species aging roughly between 55 and 180 years old, and locally this site is likely to be of historic, cultural and landscape importance. Although the tree survey submitted as part of the application states that the mature trees on the site will not be affected by the proposal, SNH are concerned that they may be indirectly affected as their roots are likely to spread quite far underground, and would prefer the mature broadleaves to be protected by Tree Preservation Orders. SNH objects to the proposal on grounds that the parkland character of the site will be lost, and as housing on the site will threaten the future of the mature trees.

Part of a public right of way runs through the southern end of the site and this should not be closed off during or after development.

**Response:** SNH's objections and concerns are noted; however I would propose to attach a number of conditions to address their concerns. Specifically, that a survey for bats shall be undertaken before development commences on site, and that badger mitigation measures be utilised. These will require open excavations to be covered or ramped, and construction work to finish at least one hour before dusk and not start till at least one hour after dawn. This will reduce disturbance to badgers when they forage.

The importance of the individual mature trees within the application site is recognised as being an essential element to the character of Blackwood Estate and its natural environment, and a range of conditions will be attached to any consent granted to ensure their protections during construction and after the houses are occupied. I

therefore consider that a Tree Preservation Order is not necessary at this stage. I do not consider that the landscape character of the Estate will be adversely affected, as the large plot size allows significant separation between the properties and the retention of the trees will assist in screening the properties as well as providing a backdrop.

The applicant is aware of the right of way's existence, and the layout plans show the garden ground of house 3 being separated from the footpath by a landscape buffer. I propose to attach conditions which stipulate that the footpath shall be kept free of obstruction, and that further details be submitted of the landscape buffer.

- 4.5 **Land & Fleet Services (Arborticulture)** – have no objection to the proposal though a replacement planting scheme should be a condition of any consent issued, This planting scheme should seek to replace any trees lost, as well as any that are likely to be lost in the longer term.

**Response:** It is recognised that the trees on the site significantly contribute to the character and amenity of not only the application site, but also the wider Blackwood Estate, and as such a condition will be attached to any consent issued requiring replanting of any trees lost during construction, and details of the replacement of trees that are likely to be lost in the longer term.

- 4.6 **Greenspace & Countryside** – have no objections to the proposal subject to the footpath, marked as “public right of way”, remaining open at all times during construction works. With regard to construction traffic and the safety of public exercising their access rights, suitable traffic calming signage should be considered for the duration of the works.

**Response:** Noted, it is proposed to attach conditions relating to unhindered use of the footpath and the submission of a method statement for the management of construction traffic.

## **5 Representation(s)**

- 5.1 Following the statutory neighbour notification period, eight letters of representation were received from seven parties although one was subsequently withdrawn. These are summarised as follows:

- (a) **The list of neighbours informed of this application is incomplete and inaccurate, and not all owners of the access road have been informed.**

**Response:** Following receipt of further ownership details, the applicant reserved the neighbour notification to include those parties previously missed. In addition owner notification was served on those with “ownership” rights over the access road. Notwithstanding the formal notification of neighbours etc, an advertisement for the non-notification of neighbours was also published in the Lanark Gazette. I am satisfied that the proper notification procedures have been followed, and all parties have been given the opportunity to inspect the application plans.

- (b) **The location plan shows the entire length of the single track access route and adjoining ground from the B7078 to the proposed building site. Some agreement may be in place for the acquisition of the access up to the bridge, but the section from the bridge to the development site remains in different, multiple ownership.**

**Response:** It is a procedural requirement to show access from an application site to the public road within the application boundary and to serve the requisite notice on all owners.

- (c) **The site appears to be allocated in the adopted Lower Clydesdale Local Plan as a housing site despite appearing to fail specific criteria in Policies ENV 2 and SLP 2**

**Response:** The site forms part of a larger area zoned for housing in both the adopted Lower Clydesdale Local Plan and the emerging South Lanarkshire Local Plan. As a designated housing site, proposals are assessed against RES 14 and RES 2 respectively.

- (d) **The application is only for three houses, yet the site is zoned for five in the local plan. An essential element of further development within the Estate should be improvements to infrastructure, and the Council should enforce development of the whole site to avoid “piecemeal” development. This has been enforced elsewhere.**

**Response:** Whilst in some cases, mainly involving larger scale developments, it may be appropriate to consider development proposals on a comprehensive basis, no justification exists to exercise such controls in this case. Although the application site forms part of a slightly larger area zoned for residential development, detailed proposals for the remaining two plots can be considered separately and in the context of the current proposal without any prejudicial effect.

- (e) **The application gives no indication of any upgrading to the infrastructure, and in particular no consideration given to the increased risk to public safety on the access road, or at the junction with the B7078.**

**Response:** The application site is located in an area where there are few public utilities, and it is proposed that each of the three proposed houses will have its own foul drainage system. Issues with the water supply are being investigated by the applicant, and conditions will be attached to any consent issued to ensure that the supply is sufficient before any of the houses are occupied. The existing access will be upgraded by the provision of passing places. The Area Engineer raises no objections to the increased use of the junction with the B7078.

- (f) **The single track access road is unadopted, being maintained by the existing residents at their expense. Experience has shown that the road surface is quickly destroyed by heavy lorries.**

**Response:** This is a matter for negotiation and agreement with all parties who have right of access over the access.

- (g) **We are anxious to ensure that permanent marked passing places are installed on the full length of the road from the B7078 as a condition of any planning consent. These should be installed prior to any construction.**

**Response:** As outlined in para 4.1 above, conditions will be attached requiring the provision of passing places prior to development commencing on the houses.

- (h) **There is a history of public access through Blackwood Estate which has been actively supported and promoted by South Lanarkshire Council. It**

would therefore be seen as an abdication of responsibility by the Council if road safety issues were not resolved by the provision of passing places or refuges recognizable to both motorized and pedestrian traffic.

**Response:** The council is aware of the public footpath, and its popularity, running along the southern edge of the application site, and its route is not compromised by the construction of the three dwellinghouses. As mentioned above, the provision of passing places would be required as part of any planning consent and I am satisfied that this will improve safety standards for both pedestrians and vehicles using this private road.

- (i) **The southern boundary of the development currently invades the length of public path owned by ourselves and is therefore incorrect. Revisions of this boundary would be required before any development commences. The amenity value offered by the estate to existing residents and users of the path will be affected by this development. An attractive, substantial shelter belt should be provided along this edge, which would ensure privacy for house-owners and retain the woodland nature of the path for local users. Further enhancement, such as benches would significantly improve the amenity value.**

**Response:** Noted. Ownership is a legal matter between the individual parties, but I note that no physical development or new boundaries are being formed on the southern edge of the application site. A landscape buffer is proposed along the southern boundary of the development site, and I propose to attach a condition requiring the submission, and approval of its composition and depth. The closest house to the path will be situated 10 metres away, and I consider that this landscape buffer will enhance the woodland edge and the amenity of the area.

- (j) **We assume that any planning consent will require full compliance (both during and after construction) with the weight restriction of 17 tons on the bridge. The estate residents are jointly liable for its maintenance but do not legally own the structure. There are also telephone poles on either side of the bridge with the interconnecting cable strung between, so there is also a practical height restriction in place. It should also be noted that the access road is liable to flood near the bridge.**

**Response:** The applicant is aware of all restrictions in the vicinity of the bridge, and contractors will be advised accordingly. Furthermore, a method statement relating to all aspects of construction traffic would be required as part of the consent and this would obviously have to make due provision for all such physical constraints.

- (k) **Given the limitations of the site access and the substantial number of deliveries involved, deliveries should be restricted to the hours 9am – 4pm, to reduce the risk of accidents and allow residents to exit/enter their properties unhindered. Permanent, hardstanding passing places should be completed before development commences.**

**Response:** As mentioned above, a method statement providing details of traffic management during construction will take account of such issues.

- (l) **The access road passes only 2.5metres in front of the category B listed Dovecot and there is potential for damage to the building and the maintained grass verges in its vicinity.**



**Response:** The onus is on the developer to ensure the protection of private property or deal with any damage incurred.

- (m) **The estate's network of private pipes is served by the public water supply at Boghead. New development would cause deterioration in the supply to existing houses.**

**Response:** Noted. Conditions will be attached to the planning consent requiring the submission of a hydrologist report before development commences on site. This report should assess the quality and quantity of the water supply, and the impact on the supply to the existing properties.

- (n) **The application site is located within an impressive landscape with numerous mature trees and rich in wildlife. The application should be accompanied by a tree survey and habitat survey.**

**Response:** Both a tree and habitat surveys have been submitted by the applicant, and appropriate conditions will be attached to any grant of planning consent to ensure the protection of the existing trees (none of which will be felled), and to protect badgers and bats during the construction works, as advised by Scottish Natural heritage.

## **6 Assessment and Conclusions**

- 6.1 The determining issues that require to be addressed in respect of this application are compliance with the adopted and finalised local plans, the impact on the visual and residential amenity of the area and the infrastructure implications.
- 6.2 In terms of the adopted Lower Clydesdale Local Plan, the site is identified for residential use, with a specific policy covering its development. Policy RES 14: Blackwood Estate accepts that an opportunity exists to develop a number of upper market houses, with a limit of five dwellings being permitted. Once developed, the site will be covered by the rural area policies.
- 6.3 Having established the principle for residential use, the relevant policies within the Finalised South Lanarkshire Local Plan - As Modified are RES2, ENV4, and ENV 30. Policy RES2: Proposed Housing Sites states that the Council will support development for housing on those sites included in the Housing Land Audit, which includes Blackwood Estate. Assessing the development details against ENV 30: New Housing Development, I am satisfied that the design and layout proposals promote quality and sustainability, and that they respect the context of the estate's landscape by utilising the trees as boundary definitions for each plot. Two of the houses have been positioned on the site's gradients in order to minimise the amount of cut and fill, whilst the middle house is cut into the slope to enable it to sit down in to the landscape amongst the mature trees. The unique designs used on the houses enable them to take full advantage of solar gain, the views to the east and to provide sheltered private amenity areas, whilst the extensive lawn areas (generally to the east and west) will also keep the open parkland feel of the Estate. Whilst the houses are essentially modern in appearance, their design has evolved from Scottish vernacular with steeply pitched, slate roofs, rendered walls and vertical emphasis to the majority of windows. Natural stone and larch cladding will also be utilised.
- 6.4 Policy ENV 30 also requires applicants to submit a Design Statement which details the extent to which the proposal has regard to the criteria contained in the policy and how the proposal improves the quality of the environment. The applicant has submitted a Design Statement which gave details of the site characteristics which

lead to the specific design ethos used for the houses, as well as the proposed measures to integrate the gardens into the wider landscape and the building techniques to create energy efficient buildings.

- 6.5 I consider that the proposal for the three houses complies with the criteria of policy ENV 30 and the submission of the design statement with policy ENV 31.
- 6.6 In terms of the infrastructure, Roads and Transportation Services have no objections to the proposal, subject to the provision of intervisible passing places. During the consultation process concerns about the viability of foul drainage proposals were raised by SEPA, but following discussions with the applicant, a foul drainage system appropriate for the site has been designed and agreed. This will involve the use of individual bio discs and mound soakaways. I propose to attach a condition requiring the submission, prior to works starting, of details of the location and size of these systems. The concerns about the water supply have been raised with the applicant, who is in discussion with Scottish Water, but I will also attach conditions requiring the approval of further information on the quantity and quality of the water supply prior to any work commencing on site.
- 6.7 The Council recognises the importance of the natural environment to the character and amenity of the Blackwood Estate and notes the concerns of local residents. However it should be noted that the applicant is committed to retaining trees within the application site, and a tree survey was submitted as part of the application, detailing the condition of each tree and highlighting those whose condition requires to be monitored in the future. Conditions will be used to ensure the protection of the trees during construction works, and to prevent their lopping, chopping or felling after occupation of the houses. In terms of wildlife, SNH have suggested mitigation measures for the protection of badgers during the construction phase, and have requested a further bat study to assess the trees for roosts and use of the site for foraging. Appropriate conditions will be utilised.
- 6.8 The landscape character of Blackwood Estate is of wooded policies which open out in to parkland on the sloping ground which contains the application site. The manner in which the three proposed houses have been set within their plots maintains the open feel of this area, whilst their position in relation to the mature trees provides screening from the principle access route into the Estate. I consider that the proposal respects the landscape characteristics of the site and that the design of the houses in utilising a similar palette of colours and elements of local architecture will integrate with the character of the Estate.
- 6.9 In summary, I am of the opinion that the proposal to erect three houses is appropriate and complies with the policies of the adopted local plan and the emerging South Lanarkshire Local Plan. Infrastructure and access concerns have been addressed through the design solutions achieved in consultation with the statutory bodies, and I consider that the construction of passing places on the access road will assist both vehicular and pedestrian traffic.

## **7 Reasons for Decision**

- 7.1 I consider that the proposal, complies with Policy RES14 of the Lower Clydesdale Local Plan, and policies RES2, ENV30 and ENV31 of the South Lanarkshire Local Plan.

**Iain Urquhart**  
**Executive Director (Enterprise Resources)**

11 February 2008

**Previous References**

- ◆ None

**List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
  - Environmental Services 01/08/2007
  - Scottish Natural Heritage 27/08/2007
  - Planning & Building Control HQ (Conservation Officer) 28/08/2007
  - Roads and Transportation Services (South Division) 08/08/2007
  - S.E.P.A. (West Region) 04/10/2007
  - Scottish Natural Heritage 04/12/2007
- ▶ Representations
  - Representation from : Dr Jonathan and Mrs Victoria Connick, The Stables, Blackwood Estate, Lesmahagow , ML11 0JG, DATED 09/08/2007
  - Representation from : Dr Jonathan & Mrs Victoria Connick, The Stables, Blackwood Estate, Lesmahagow, ML11 0JG, DATED 26/07/2007
  - Representation from : Robert Barr, The Priory, Blackwood Estate, Blackwood, ML11 0JG, DATED 30/07/2007
  - Representation from : McInally Associates Ltd, 6 Newton Place, Glasgow, G3 7PR, DATED 07/08/2007
  - Representation from : Gavin Nicol, The Factors House, Blackwood Estate, Blackwood, ML11 0JG, DATED 02/08/2007
  - Representation from : T J & H M Wise, The Dovecot, Blackwood Estate, Lesmahagow, ML11 0JG, DATED 02/08/2007
  - Representation from : M Hampsey, The Bothy Cottage, Blackwood Estate ML11 0JG, DATED 25/07/2007

**Contact for Further Information**

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

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Ext 3190 (Tel :01555 673190)

E-mail: [Enterprise.lanark@southlanarkshire.gov.uk](mailto:Enterprise.lanark@southlanarkshire.gov.uk)

## CONDITIONS

- 1 That the development hereby permitted shall be started within five years of the date of this permission.
- 2 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.
- 3 That the type and distribution of external finishes shall be as shown on the approved plan, but prior to the commencement of any work on site, samples of the materials to be used shall be submitted to and approved by the Council as Planning Authority.
- 4 That the roof of the dwellinghouses and garages shall be clad externally in natural slate, and the cheeks of any dormers hereby approved shall be finished in natural slate to match the principal roof.
- 5 All external colours shall be agreed in writing with the Council as Planning Authority prior to the commencement of works.
- 6 That the granny annex accommodation, shown at the northernmost house (House 1), and approved under this application shall be ancillary to that dwellinghouse and shall not be occupied, let or sold as a separate dwelling unit, to the satisfaction of the Council as Planning Authority.
- 7 That there shall be no changes to the approved ground levels within the application site, without the prior written approval of the Council as Planning Authority.
- 8 That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and requirements.
- 9 That before the dwellinghouses hereby approved are occupied, a foul drainage system, designed and constructed in accordance with the current code of practice BS6297:1983 shall be provided to the satisfaction of the Council as Planning Authority and SEPA.
- 10 That before any works commence on site further details shall be submitted to, and approved by the Council as Planning Authority, of the location of the individual bio discs; and the location, construction of, and sections through the mound soakaways.
- 11 That before any development commences on site, a hydrology report demonstrating that a supply of water for human consumption, adequate in quality and quantity can be obtained without detriment to existing users, and which is

under the developer's control, shall be submitted to and approved in writing by the Council as Planning Authority.

- 12 That before any of the dwellinghouses hereby approved are occupied, the private water supply approved under Condition 11 above, shall be provided in accordance with the approved details.
- 13 Prior to the commencement of development on site further details of all geo thermal heat sources, including their location and relationship to existing trees, shall be submitted to and approved by the Council as Planning Authority and thereafter implemented as approved.
- 14 No earlier than 6 months prior to works commencing on site, a bat survey shall be undertaken and approved in writing by the Planning Authority and thereafter the appropriate mitigation measures shall be implemented to the satisfaction of the Council as Planning Authority.
- 15 That during all development, or construction works on site, all open excavations shall either be covered overnight or an escape ramp provided, and any pipes shall be capped to ensure badgers do not become trapped.
- 16 That all construction work on the site shall cease at least one hour before dusk, and shall not commence till at least one hour after dawn.
- 17 That no trees within the application site shall, at any time, be lopped, topped, pollarded or felled, and no shrubs or hedges shall be removed from the application site without the prior written consent of the Council as Planning Authority.
- 18 That the existing trees to be retained must be protected in accordance with methods as set out in BS5837/1991 during and until completion of all site operations and building works. In particular, all of the trees referred to in Condition 17 above shall be protected during the course of construction work on site by a 1 metre high chespaie fence to the satisfaction of the Council as Planning Authority.
- 19 Any trees to be removed must be replaced by semi-mature/mature trees of a similar species at the locus to the satisfaction of the Council as Planning Authority.
- 20 That before any work commences on the site, a scheme of landscaping for the areas indicated in green on the approved plans, shall be submitted to the Council as Planning Authority for written approval and it shall include:(a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development; (b) details and specification of all trees, shrubs, grass mix, etc.; (c) details of any top-soiling or other treatment to the ground; (d) sections and other necessary details of any mounding, earthworks and hard landscaping; (e) details of the long term replacement of trees and their species; (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.
- 21 That the landscaping scheme relating to the development hereby approved shall be carried out simultaneously with the development, or each phase thereof, and shall be completed and thereafter maintained and replaced where necessary to the satisfaction of the Council as Planning Authority.

- 22 For the avoidance of doubt, the public right of way, highlighted orange on the approved plans, shall be at all times maintained free of obstructions to the satisfaction of the Council as Planning Authority.
- 23 Prior to the commencement of development on site, an energy statement which demonstrates that on-site zero and low carbon energy technologies contribute at least an extra 15% reduction in CO2 emissions beyond the 2007 building regulations carbon dioxide emissions standard, shall be submitted to and approved in writing by the Council as Planning Authority. The statement shall include:
- a) the total predicted energy requirements and CO2 emissions of the development, clearly illustrating the additional 15% reduction beyond the 2007 building regulations CO2 standard;
  - b) a schedule of proposed on-site zero and low carbon energy technologies to be included in the development and their respective energy contributions and carbon savings;
  - c) an indication of the location and design of the on-site energy technologies; and
  - d) a maintenance programme for the on-site zero and low carbon energy technologies to be incorporated.
- 24 The approved on-site zero and low carbon energy technologies shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter be maintained and shall remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the Council as Planning Authority.
- 25 That notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any such order revoking or re-enacting that order), no fences or walls shall be erected within the curtilage of the application site other than those expressly authorised by this permission without the prior written approval of the Council as Planning Authority.
- 26 That before development starts, details of all boundary treatments and retaining walls shall be submitted to and approved by the Council as Planning Authority and thereafter all approved works shall be completed to the satisfaction of the Council prior to the development hereby approved being occupied or brought into use.
- 27 For the avoidance of doubt there shall be no lighting on, or in, the traditional drystone dyke and gate piers, as shown on the eastern boundaries of each dwellinghouse.
- 28 That before the development hereby approved is commenced, intervisible passing places at approximately 60 metre intervals shall be provided along the full length of the private access road to the satisfaction of the Council as Planning Authority.
- 29 That before dwellinghouses hereby approved are completed or brought into use, driveways of at least 12 metres in length shall be provided and the first 4 metres of this access from the private access road shall be hard surfaced across its full

width to prevent deleterious material being carried onto the access road.

- 30 That before the dwellinghouses hereby permitted are occupied, 3 car parking spaces and turning facilities which do not conflict with the parking arrangements shall be provided and thereafter maintained within the curtilage of each plot.
- 31 That prior to any works commencing on site, details of a traffic management scheme indicating the construction phasing of the development, the circulation of vehicles and pedestrians during construction, the location of the site compound and wheel washing facilities and the construction of staff parking areas shall be submitted to and approved by the Council as Planning Authority and thereafter implemented to the Council's satisfaction.

## REASONS

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interests of amenity and in order to retain effective planning control.
- 3 In the interests of amenity and in order to retain effective planning control.
- 4 In the interests of the visual amenity of the area.
- 5 In the interests of amenity and in order to retain effective planning control.
- 6 In the interests of amenity and in order to retain effective planning control.
- 7 In the interests of amenity and in order to retain effective planning control.
- 8 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.
- 9 To ensure the provision of a satisfactory sewerage system
- 10 These details have not been submitted or approved.
- 11 To ensure that satisfactory water supply arrangements can be provided for the development.
- 12 To ensure that satisfactory water supply arrangements can be provided for the development.
- 13 To retain effective planning control and safeguard the amenity of the area.
- 14 In the interests of nature conservation.
- 15 To ensure that no badgers become trapped by the development works within the application site.
- 16 To reduce disturbance to any badgers when they forage.
- 17 To ensure the protection and maintenance of the existing trees and other landscape features within the site.
- 18 To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.
- 19 In the interests of amenity.
- 20 In the interests of the visual amenity of the area.
- 21 In the interests of amenity.
- 22 In the interests of satisfactorily maintaining public rights of way.
- 23 To secure a reduction in carbon dioxide emissions.
- 24 To secure the timeous implementation of on-site zero and low carbon energy technologies.
- 25 In the interests of amenity and in order to retain effective planning control.
- 26 These details have not been submitted or approved.
- 27 In the interests of the visual amenity of the area.



- 28 To ensure satisfactory vehicular and pedestrian access facilities to the site.
- 29 To prevent deleterious material being carried into the highway.
- 30 To ensure the provision of adequate parking facilities within the site.
- 31 In the interest of public safety

## INFORMATIVES

- 1 This grant of planning permission does not grant any right of access over any adjoining property or land required for the purpose of constructing or maintaining the development.

The consent of the appropriate land owner will be required in order to carry out building work or future maintenance that requires access to a neighbour's ground.

Any disputes which arise over access or boundaries are not a planning matter. These are civil matters to be resolved between the parties involved.

- 2 The applicant is advised that all works carried out on site must be carried out in accordance with BS5228 Parts 1-4 1984/1986, 'Noise control on construction and open sites'.  
The applicant is further advised that audible construction activities should be limited to:  
Monday to Friday 8.00am to 7.00pm, Saturday 8.00am to 1.00pm and Sunday - No audible activity. The applicant is advised that Environmental Services may consider formally imposing these hours of operation by way of statutory notice should complaints be received relating to audible construction activity outwith these recommended hours and should such complaints may be justified by Officers from this Service.  
Further details of this may be obtained from South Lanarkshire Council, Environmental Services, Atholl House, East Kilbride, G74 1LU. Telephone (01355) 806915

- 3 None of the above conditions will preclude formal action being taken by the Executive Director of Community Resources against the author of any nuisance, which may arise due to the operation of the proposed development.

- 4 The applicant should be aware that although approval is given to the layout shown in the approved drawings, the development requires to incorporate a drainage system which complies with the principles of Sustainable Urban Drainage (SUDS), as required by condition attached to this permission. No details of the SUDS have been approved. The applicant should note that the incorporation of appropriate SUDS features may have an impact on the overall layout of the site, including a potential reduction in the numbers of units or buildings proposed (due to the land take required by the SUDS).

If any change to the layout to incorporate SUDS features is necessary, then this is likely to require an amendment to the existing planning permission. The applicant should discuss any changes to the layout with Planning & Building Standards Services and no work should commence on site until the details of the SUDS have been approved as required by condition, and any resultant changes to the layout have been granted permission.