



**Community And Enterprise Resources**  
Executive Director **David Booth**  
**Planning And Economic Development**

Adam Toleman  
Arka Architects  
The Loft  
The Tattie Kirk  
Cow Wynd  
Falkirk  
FK1 1PU

Our Ref: P/21/0029  
Your Ref:  
If calling ask for: Jim Blake  
Date: 24 March 2022

Dear Sir/Madam

**Proposal:** Erection of two dwellinghouses with associated studio flats above attached garage, raised decking at rear and formation of access.  
**Site address:** Land 120M Northeast Of 55 Bothwell Road, Bothwell Road, Hamilton, South Lanarkshire, ,  
**Application no:** P/21/0029

I would advise you that the above application was refused by the Council and I enclose the decision notice which sets out the reasons for refusal. Please note that the Council does not issue paper plans with the decision notice. The application is refused in accordance with the plans and any other documentation listed in the reasons for refusal imposed on the accompanying decision notice and which can be viewed using the Council's online planning application search at [www.southlanarkshire.gov.uk](http://www.southlanarkshire.gov.uk)

If you consider that you can overcome the reasons for refusal and that it is not the principle of the development that is unacceptable, you may submit an amended application. If you do amend your proposals and re-apply within one year of this refusal, then you will not have to pay a fee, provided the proposal is of the same character or description as the application which has just been refused.

As your application has been refused, you may appeal against the decision within 3 months of the date of the decision notice. The attached notes explain how you may appeal.

Should you have any enquiries relating to the refusal of your application or a potential amended submission, please contact Jim Blake on 01698 453657

The Planning Service is undertaking a Customer Satisfaction Survey in order to obtain feedback about how we can best improve our Service to reflect the needs of our customers. The link to the survey can be found here:

If you were the applicant: <http://tinyurl.com/nrtgmy6>

If you were the agent: <http://tinyurl.com/od26p6g>

Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB  
Email [jim.blake@southlanarkshire.gov.uk](mailto:jim.blake@southlanarkshire.gov.uk) Phone: 01698 453657



We would be grateful if you would take a few minutes to answer the questions in the survey based on your experience of dealing with the Planning Service in the past 12 months. We value your opinion and your comments will help us to enhance areas where we are performing well, but will also show us where there are areas of the service that need to be improved.

I do hope you can take part in this Customer Survey and look forward to receiving your comments in the near future. If you prefer to complete a paper version of the survey, please contact us by telephone on 0303 123 1015, selecting option 7, quoting the application number. We will send you a copy of the survey and a pre-paid envelope to return it.

Yours faithfully

**Head of Planning and Economic Development**

Enc:



Application no.  
P/21/0029

## Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006

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To: **Mr Shahid Chaudhary**

Per: **Adam Toleman**

**27 Lochore Avenue,  
Paisley, PA3 4BY,**

**The Loft, The Tattie Kirk,  
Cow Wynd, Falkirk, FK1  
1PU,**

With reference to your application received on **08.01.2021** for planning permission under the above mentioned Act:

**Description of proposed development:**

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

**Site location:**

Land 120M Northeast Of 55 Bothwell Road, Bothwell Road, Hamilton, South Lanarkshire, ,

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SOUTH LANARKSHIRE COUNCIL in exercise of their powers under the above mentioned Act hereby:

**REFUSE PLANNING PERMISSION**

for the above development in accordance with the plan(s) specified in this decision notice and the particulars given in the application, for the reason(s) listed overleaf in the paper apart.

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Date: 24th March 2022

**Head of Planning and Economic Development**

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This permission does not grant any consent for the development that may be required under other legislation, e.g. Building Warrant or Roads Construction Consent.

**South Lanarkshire Council  
Community and Enterprise Resources  
Planning and Economic Development**

## **South Lanarkshire Council**

### **Refuse planning permission**

**Paper apart - Application number: P/21/0029**

#### **Reason(s) for refusal:**

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

#### **Reason(s) for decision**

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

## Notes to applicant

**Application number: P/21/0029**

### Important

The following notes do not form a statutory part of this decision notice. However, it is recommended that you study them closely as they contain other relevant information.

01. This decision relates to drawing numbers:

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



**COMMUNITY AND ENTERPRISE RESOURCES**  
**EXECUTIVE DIRECTOR David Booth**  
Planning and Economic Development

**Important notes**

**Town and Country Planning (Scotland) Act 1997**

**1. Compliance with conditions**

Under the provisions of the Town and Country Planning (Scotland) Act 1997 (Section 145), failure to comply with any condition(s) imposed on any planning permission may result in the service by the Council of a "Breach of Condition Notice" requiring compliance with the said condition(s).

There is no right of appeal against such a Notice and failure to comply with the terms of the Notice within the specified time limit will constitute a summary offence, liable on summary conviction to a fine not exceeding £1000.

**2. Procedure for appeal to the planning authority**

- (a) If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997, within three months from the date of this notice. The notice of review should be addressed to:

**Executive Director (Corporate Resources)**  
**Council Headquarters**  
**Almada Street**  
**Hamilton**  
**ML3 0AA**

To obtain the appropriate forms:

Administrative Services at the above address.

Telephone: 01698 454108

E-mail: [pauline.macrae@southlanarkshire.gov.uk](mailto:pauline.macrae@southlanarkshire.gov.uk)

- (b) If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.