

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>30 April 2024</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

<b>Reference no:</b>	P/21/2019
<b>Proposal:</b>	Formation of vehicular access road, erection of 18 dwellinghouses, associated landscaping and infrastructure for Area A - Phase 1 (Approval of Matters Specified in Conditions 1, 4, 5, 7, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 21, 24 and 25 of Planning Consent CL/16/0336)
<b>Site Address:</b>	Birkwood Estate Lesmahagow Lanark ML11 0JP
<b>Applicant:</b>	Sunnyside Homes (Birkwood) Ltd
<b>Agent:</b>	G Taylor Associates
<b>Ward:</b>	04 – Clydesdale South
<b>Application Type:</b>	Approval of Matters Specified in Conditions
<b>Advert Type:</b>	Schedule 2 and Development affecting setting of a listed building: Lanark Gazette 12 January 2022 and 7 June 2023
<b>Development Plan Compliance:</b>	Yes
<b>Departures:</b>	N/A
<b>Recommendation:</b>	Grant subject to conditions
<b>Legal Agreement:</b>	N/A
<b>Direction to Scottish Ministers</b>	Not required

## **1. Reason for Report**

- 1.1. The application needs to be determined by the Planning Committee as it relates to an application affected by Clause 16(b) of the Scheme of Delegation Approved by South Lanarkshire Council in May 2022.

## **2. Site Description**

- 2.1. This application relates to land within Birkwood Estate and the site known as Area A - Phase 1 sits to the south but includes access across the estate within the submitted 'red line' boundary.
- 2.2. The overall estate at Birkwood extends to approximately 33 hectares, however, this application site extends to approximately 1.97 hectares. The estate is located within the settlement boundary of Lesmahagow and is designated as a Development Framework site within the adopted South Lanarkshire Local Development Plan 2. The site is also identified as Green Network, and there is a Tree Preservation Order (TPO) applicable to the estate.
- 2.3. The site comprises an established woodland interspersed with pockets of open grassland which is reflected across the full estate which also includes a network of paths. Within the estate, there are a number of listed buildings and structures including Birkwood House, the Driveway Bridge over the River Nethan, the South Driveway Bridge off New Trows Road, the South Lodge, and a walled garden. The site has been neglected for a number of years, although is still used by walkers due to its extensive pathway network. Birkwood House, a category B listed building within the estate, has suffered extensive damage in recent years. A separate listed building application was recently approved for its partial demolition, reference P/22/1773.

## **3. Description of Proposed Development**

- 3.1. Permission is sought for the formation of a vehicular access road, erection of 18 dwellinghouses, associated landscaping and infrastructure for Area A - Phase 1. This is a Matters Specified in Conditions application, relating to conditions 1, 4, 5, 7, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 21, 24 and 25 of planning consent CL/16/0336.
- 3.2. This proposal is the first phase of residential development and is for 18 dwellings which would comprise of a mix of detached and semi-detached properties across 7 housetypes, finished in a variety of modern materials. The proposal includes links to future phases of development at the estate and a SUDS basin. Access into the site would be formed via a new access from New Trows Road which would also be the access for construction traffic. The application would include the upgrading of the existing access across the estate to Abbeygreen to an adoptable standard and will include lighting to ensure pedestrian access prior to occupation of the first properties. Phase 1 also includes the construction of a new mainline sewer, road connections, storm drainage systems and utility infrastructure.
- 3.3. The conditions of planning permission CL/16/0336 which the applicant has submitted information in respect of is as follows:-

Condition 1 – the submission of a site layout including roads/footways, details of all proposed buildings, cross sections, landscaping details, drainage, habitat survey, design statement

Condition 4 – details of phasing of development parcels

Condition 5 – provision of a development brief

Condition 7 – provision of a programme of archaeological works

Condition 9 – provision of a drainage scheme incorporating the principles of SUDs

Condition 10 – provision of a drainage assessment

Condition 11 – requirement for pre-planning discussions with the Council and SEPA to agree scope of information to be submitted and ensure compliance with Scottish Planning Policy

Condition 12 – provision of detailed plans/calculations of any roads/footways within site which require to cross any water course for approval in consultation with SEPA

Condition 13 – provision of a sewerage scheme in accordance with Scottish Water standards

Condition 14 – provision of landscaping, open space and recreation strategies

Condition 15 – provision of detailed Landscape Plan

Condition 16 – provision of haul route constructed to specification including traffic management arrangements

Condition 18 – provision of an Estate Management Plan and Woodland Management Plan for future management/maintenance of the application site

Condition 19 – provision of an Outdoor Access Plan for the provision of walking, cycling and horse riding throughout Birkwood Estate

Condition 21 – provision of a Route Action Plan to mitigate against potential conflict between pedestrians and additional traffic associated with the development

Condition 24 – provision of a strategic habitat survey covering entire application site

Condition 25 – provision of an Environmental Management Plan

#### **4. Relevant Planning History**

- 4.1. Birkwood Estate has been the subject of a number of planning consents since 2008. An application for Outline Planning Permission (CL/08/0582) for a mixed-use development comprising residential uses along with a hotel with ancillary leisure/conference facilities, was withdrawn in 2009.
- 4.2. Planning Permission in Principle (PPIP) (CL/14/0413) was granted in April 2015 for residential development along with the conversion of Birkwood House to a hotel with associated chalets in the Estate. Applications for detailed planning permission and listed building consent were subsequently granted in 2016 (CL/16/0122) and CL16/0126) for works to stabilise and protect the fabric of Birkwood House. A Section 42 Planning Consent (CL/16/0336) was granted in December 2016 to vary and replace a number of planning conditions attached to the 2014 PPIP consent and a revised Masterplan for the wider site.
- 4.3. The original planning consent (CL/14/0413) was subject to a Section 75 Legal Agreement. This was subsequently discharged through application CL/17/0410 following the submission and granting of the Section 42 Planning Application under

CL/16/0336 to vary and delete various conditions attached to planning consent CL/14/0413.

- 4.4. Planning Consent CL/16/0336 was subject to a further Section 75 Legal Agreement between Birkwood Estates Ltd (BEL) and the Council. This agreement covered financial contributions towards the provision of educational facilities, community facilities and in lieu of providing on-site affordable housing. This obligation remains in place for the site under planning consent CL/16/0336 and has not been discharged.

## 5. Supporting Information

- 5.1. The following information was submitted by the applicant in support of the application:-

- ◆ Design Statement - this sets out the design principles for the site and advises it should be read in conjunction with the Development Brief.
- ◆ Development Brief – this presents the applicants framework for development within Birkwood Estate.
- ◆ Woodland Management Plan – this outlines the proposed management plan of woodland across Birkwood Estate.
- ◆ Tree Survey Schedule – this presents the conditions of various trees across the estates and links to the woodland management plan.
- ◆ Ecological Overview – this presents the findings of a follow up survey of the site.
- ◆ Drainage Assessment – this outlines the drainage design and proposed drainage infrastructure for the proposal.
- ◆ Flood Risk Assessment - reports on any existing flooding issues at the site and considers mitigation measures.
- ◆ Archaeology Assessment – this outlines the findings of an archaeological desk-based assessment of the application site.
- ◆ Landscape Management Plan – this outlines the applicants' proposal to enter into an arrangement with a specialist estate management company/factor for long term maintenance of the site.
- ◆ Bat Survey – this outlines the findings of phase 1 and phase 2 bat roost assessment surveys of the site, including recommendations.
- ◆ Environmental Management Plan – this outlines how environmental and ecological impacts that may arise from the development will be managed.
- ◆ Transportation Statements (various) - reports transport observations and assessment of how the proposed development may integrate with the surrounding area/local transport network.
- ◆ NPF4 Statement – this document outlines the relevant policies of NPF4 and the applicant's response as to how the proposal complies.

## **6. Consultations**

- 6.1. Environmental Services - no objections subject to the attachment of conditions and advisory notes in relation to noise, contaminated land site investigation and remediation and dust mitigation.  
Response: Noted. Should permission be granted, appropriate conditions and advisory notes can be attached.
- 6.2. Historic Environment Scotland - no comments.  
Response: Noted.
- 6.3. Roads Development Management – Request conditions in relation to a number of matters including parking, visibility splays, traffic calming, road safety audit, invasive weed survey, footway provision, bus shelter provision and surfacing.  
Response: Noted.
- 6.4. Roads Flood Risk Management - note that signed appendices A and B of the developer design guidance are satisfactory, and that appendices C, D and E will be required to be provided for each construction consent phase.  
Response: Noted.
- 6.5. Scottish Water – require the provision of Hydraulic Water Impact Assessment and Drainage Impact Assessments for the entire development at Birkwood Estate.  
Response: Noted. This application is for 18 dwellings therefore these assessments are not required at this stage.
- 6.6. West of Scotland Archaeology Service (WOSAS) - no objection to the proposal and advise that further archaeological work would not be required in advance of development commencing for this site, however, also note that the archaeological condition should remain attached in relation to future phases.  
Response: Noted.

## **7. Representations**

- 7.1. Following the statutory period of neighbour notification and advertisement, a total of 4 representations have been received (2 objections, 1 comment, 1 support). The issues raised are summarised as follows:-
- ◆ Road safety/traffic increase
  - ◆ Location of proposed access road using privately owned land
  - ◆ Loss of value
  - ◆ Will bring the site back into a useable space

The above issues will be considered in the assessment below and full copies are available to view on the planning portal.

## **8. Development Plan**

- 8.1. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. National Planning Framework 4  
National Planning Framework 4 (NPF4) is Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments, and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places, and productive places.

### National Planning Framework 4 Policies

- ◆ Policy 1 - Tackling the climate and nature crises
- ◆ Policy 2 - Climate mitigation and adaptation
- ◆ Policy 3 – Biodiversity
- ◆ Policy 4 – Natural places
- ◆ Policy 6 – Forestry, woodland and trees
- ◆ Policy 7 – Historic assets and places
- ◆ Policy 13 – Sustainable transport
- ◆ Policy 14 - Design, quality and place
- ◆ Policy 15 - Local living and 20-minute neighbourhoods
- ◆ Policy 16 – Quality homes
- ◆ Policy 22 - Flood risk and water management

### 8.3. South Lanarkshire Local Development Plan 2 (2021)

For the purposes of determining planning applications the Council will also assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan (SLLDP2). In this regard the application site and associated proposals are affected by the following policies:-

#### SLLDP2 Volume 1 Policies

- ◆ Policy 1 - Spatial Strategy
- ◆ Policy 2 - Climate Change
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 11 - Housing
- ◆ Policy 14 – Natural and Historic Development
- ◆ Policy 15 - Travel and Transport
- ◆ Policy 16 - Water Environment and Flooding

#### SLLDP2 Volume 2 Policies

- ◆ Policy DM1 - New Development Design
- ◆ Policy NHE9 – Protected Species
- ◆ Policy NHE13 – Forestry and Woodland
- ◆ Policy NHE14 – Tree Preservation Orders
- ◆ Policy SDCC2 - Flood Risk
- ◆ Policy SDCC3 - Sustainable Drainage Systems
- ◆ Policy SDCC4 – Sustainable Transport

#### South Lanarkshire Council (SLC) Supporting Planning Guidance

- ◆ Residential Design Guide (2011)

## **9. Guidance**

9.1. None applicable.

## **10. Assessment and Discussion**

### 10.1. Introduction

This is a reserved matters application for the formation of vehicular access road, erection of 18 dwellings, associated landscaping and infrastructure for Area A - Phase 1 at Birkwood Estate, Lesmahagow. This application is specifically in relation to Conditions 1, 4, 5, 7, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 21, 24 and 25 of planning consent CL/16/0336. The main issues to be addressed in the determination of this application include the proposed layout, siting and design, and an assessment of technical matters. National Planning Framework 4 and the South Lanarkshire Local

Development Plan 2 are the main policy consideration in this case, together with an assessment of any other material planning considerations.

10.2. Principle of Development

In terms of SLLDP2 Policy 1 – Spatial Strategy, the site is designated as a Development Framework Site and is therefore identified for development. The site already benefits from planning permission in principle as per consent CL/16/0336. The principle of development for residential purposes has already been established and the assessment of this application relates to the development layout proposed under Phase 1 and any works required to facilitate this.

10.3. Climate Change

NPF4 Policy 1 - Tackling the Climate and Nature Crises and Policy 2 - Climate Mitigation and Adaptation, along with Policy 2 – Climate Change of SLLDP2 aim to ensure that proposals for new development must seek to minimise and mitigate against the effects of climate change. The site is located within the settlement boundary and is designated as part of a masterplan for Birkwood Estate. The proposal will provide an energy efficient development, as well as providing an upgraded pedestrian/cyclist link to Abbeygreen. A condition would be attached for EV charging to be provided at each property. The proposal is consistent with Policies 1 and 2 of NPF4, and Policy 2 of SLLDP2.

10.4. Biodiversity, Trees and Woodland

NPF4 Policy 3 – Biodiversity, aims to protect and reverse biodiversity loss, deliver positive effects from development, and strengthen nature networks. NPF4 Policy 4 - Natural Places advises proposals, by virtue of type, location or scale that will have an adverse impact on the natural environment will not be supported. NPF4 Policy 6 - Forestry, woodland and trees advises proposals that enhance, expand and improve woodland and tree cover will be supported and those that result in the loss of ancient woodlands, native woodlands, hedgerows and individual trees of high biodiversity value will not be supported. Similarly, Policy NHE14 – Tree Preservation Orders and Policy NHE13 - Forestry and Woodland of SLLDP2 seek to protect trees and woodland from inappropriate development.

10.5. The proposed development will require the removal of some trees subject to a TPO to facilitate the development. A tree survey has been provided outlining the condition of the trees, as well as a woodland management plan outlining short and long-term management of the woodland across Birkwood Estate. In line with Policy NHE9 – Protected Species, the applicant has provided an ecological survey and subsequent update reports during the application process which includes recommendations which the Council are satisfied can be conditioned. Given the above, the proposal is considered to generally comply with Policies 3, 4 and 6 of NPF4, and Policy NHE13 of SLLDP2.

10.6. Layout, Siting and Design

NPF4 Policy 14 - Design, Quality and Place aims to encourage, promote, and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle and sets out six qualities of successful places, including whether the development is connected and sustainable. SLLDP2 Policy 5 – Development Management and Placemaking and DM1 – New Development Design aim to ensure development takes account of the principles of sustainable development and require all proposals to be well designed and integrated with the local area with no significant adverse impacts on the local community and the environment.

- 10.7. The development proposed would form Phase 1 of Area A. Following assessment, the Council is satisfied the proposed mix of house types, materials, size of properties and development layout are acceptable and in compliance with the principles of the approved masterplan. The proposal also includes a detailed landscaping scheme, as well as a woodland management plan. It is noted that the letter of support received for the proposal refers to the site being brought back into a useable space which is noted and agreed. The proposal is considered to comply with Policy 14 of NPF4, and Policies 5 and DM1 of SLLDP2.
- 10.8. NPF4 Policy 15 - Local Living and 20-minute neighbourhoods seeks to create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling, or using sustainable transport options. The application site is within the settlement boundary and although this development phase is towards the southern corner of Birkwood Estate, an access across the estate linking the site with Abbeygreen to the north-east of the estate will result in the site being within walking distance of nearby amenities in Lesmahagow. The proposal is consistent with Policy 15 of NPF4.
- 10.9. NPF4 Policy 16 - Quality Homes aims to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations. SLLDP2 Policy 11 – Housing advises the Council expects developers to provide a diverse and attractive mix of housetypes. The site is located within the existing settlement on an allocated housing site. The proposed development is of an acceptable layout, design and materials and provides a variety of housetypes. As such, the proposal is in compliance with Policy 16 of NPF4 and Policy 11 of SLLDP2.
- 10.10. NPF4 Policy 7 – Historic assets and places aims to protect and enhance historic environment assets and places and enable positive change for the regeneration of places. Similarly, SLLDP2 Policy 14 - Natural and Historic Environment requires all developments to be assessed in terms of their effect on the character and amenity of the natural and built environment. Birkwood Estate contains several listed structures including the remaining structure of Birkwood House, a category B listed building. The Council is satisfied appropriate measures are in place to ensure their protection during development. The proposal complies with Policy 7 of NPF4 and Policy 14 of SLLDP2.
- 10.11. Other Issues  
A point raised through representation notes that the access to the site from New Trows Road would require to cross land that is privately owned. Since this was raised, there have been detailed legal discussions which have confirmed that the applicant has a legal right of access over this land and to construct the vehicular access road into this area of the site.
- 10.12. Technical Matters  
NPF4 Policy 22 - Flood Risk and Management aims to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. SLLDP2 Policy 16 – Water Environment and Flooding is also relevant and advises any development that has an unacceptable impact on the water environment will not be permitted. In determining proposals, consideration shall be given to water levels, flows, quality, features, flood risk and biodiversity within the water environment. Policies SDCC2 – Flood Risk and SDCC3 – Sustainable Drainage Systems also expand on this. Flooding and drainage details have been submitted and agreed with the Council's Flood Risk Management section. They have no objections subject to conditions and the proposal is considered to comply with Policy 22 of NPF4 and Policies 16, SDCC2 and SDCC3 of SLLDP2.



10.13. SLLDP2 Policy 15 – Travel and Transport is applicable in relation to road safety and impact on the road network and requires all new development proposals to consider the impact of traffic growth. Road safety and an increase in traffic as a result of the development have been raised through objection to the proposal. Throughout the application process, transport statements have been submitted in response to comments raised by the Council's Roads Development Management (DM) section who have subsequently removed their objection to the proposal subject to the attachment of conditions. Whilst it is noted that Roads' preferred construction access would be via an access to the south of the site, the applicant has provided sufficient information to demonstrate that the access from New Trows Road is suitable. This will also be the finished site access which Roads DM do not object to. The proposal is considered to be consistent with Policy 15 of SLLDP2.

10.14. NPF4 Policy 13 Sustainable Transport aims to encourage, promote, and facilitate developments that prioritise walking, wheeling, cycling and public transport or everyday travel and reduce the need to travel unsustainably. SLLDP2 Policy SDCC4 Sustainable Transport requires new developments to be accessible by walking, cycling and public transport. As a new residential development, adequate car parking must be provided per dwelling, however, each property will include EV charging. In addition, as noted above, the existing access to Abbeygreen will be upgraded to an adoptable standard. The proposal generally complies with Policy 13 of NPF4 and Policy SDCC4 of SLLDP2.

10.15. Conclusion

In conclusion, a full assessment of the proposal against the development plan has been carried out above. The Council is satisfied that all information required by conditions 1, 4, 5, 7, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 21, 24 and 25 of application CL/16/0336 have been submitted. Whilst the conditions cannot be discharged as they remain applicable to future phases of development at Birkwood Estate, the information submitted is sufficient to allow consideration of Phase 1 - Area A. It is considered that this proposal will not result in any significant adverse amenity, environmental or safety impacts, and therefore complies with the relevant policies of the adopted National Planning Framework 4 and the adopted South Lanarkshire Local Development Plan 2. It is recommended that planning permission to be granted subject to the attached conditions.

**11. Recommendation and Conditions**

11.1. The Committee is asked to agree the following recommendation:-

**Grant Full Planning Permission subject to the following conditions:-**

01. The development to which this permission relates shall be begun no later than the expiration of three years beginning with the date of grant of this decision notice.

Reason: To comply with Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).

02. That the landscaping scheme for Area A - Phase 1 shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or completion of the development hereby approved, whichever is the sooner, to the satisfaction of the Council.

Reason: In the interests of the visual amenity of the area.

03. That before any of the dwellinghouses situated on the site upon which a fence is to be erected is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained shall be erected to the satisfaction of the Council.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

04. That before any of the dwellinghouses hereby approved are occupied, details of the storage and collection of refuse within the development shall be submitted to and approved by the Council as Planning Authority. Thereafter, prior to the occupation of any dwelling, the approved scheme shall be implemented to the satisfaction of the Council as Planning Authority.

Reason: To ensure that adequate refuse arrangements are provided that do not prejudice the enjoyment of future occupiers of the development or neighbouring occupiers of their properties, to ensure that a satisfactory external appearance is achieved and to ensure that appropriate access is available to enable refuse collection.

05. No piling works shall be carried out until a method statement has been submitted to and approved in writing by the Planning Authority. This statement shall include an assessment of the impact of the piling on surrounding properties, taking into account the guidance contained in BS 6472: 1992 'Evaluation of human exposure to vibration in buildings'. It shall detail any procedures which are proposed to minimise the impact of noise and vibration on the occupants of surrounding properties. This statement shall be prepared by a suitably qualified person, and the piling works shall thereafter be carried out in accordance with the approved method statement.

Reason: To minimise noise, vibration and disturbance to neighbouring residents/occupants during blasting.

- 06 (a) The applicant shall be required to undertake a comprehensive site investigation, carried out to the appropriate Phase level, to 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, 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.

Reason: To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.

07. (a) Remediation of the site shall be carried out in accordance with the approved remediation plan prior to the proposed development being brought into use. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Council as Planning Authority.

(b) On completion of the remediation works, the developer shall submit a completion report to the Council as Planning Authority, confirming that the works have been carried out in accordance with the approved remediation plan and that the works have successfully reduced these risks to acceptable levels.

(c) Any previously unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of the Council as Planning Authority within one week or earlier of it being identified. A more detailed site investigation to determine the extent and nature of the contaminant(s) and a site-specific risk assessment of any associated pollutant linkages, shall then require to be submitted to and approved in writing by the Council as Planning Authority.

Reason: To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.

08. That all trees to be retained within the site shall be fully protected during the period of construction and prior to any work commencing on the site, written details specifying the nature of such measures shall be submitted to and approved by the Council as Planning Authority. Existing trees to be retained must be protected in accordance with methods as set out in BS5837/2012 during and until completion of all site operations and building works.

Reason: To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.

09. Prior to the commencement of the development hereby approved (including any demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Council as Planning Authority. Specific issues to be dealt with in the TPP and AMS:-

a) Location and installation of services/ utilities/ drainage.

b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.

c) Details of construction within the RPA or that may impact on the retained trees.

d) A full specification for the installation of boundary treatment works.

e) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.

- f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- h) A specification for scaffolding and ground protection within tree protection zones.
- i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well as concrete mixing and use of fires.
- k) Boundary treatments within the RPA.
- l) Methodology and detailed assessment of root pruning.
- m) Arboricultural supervision and inspection by a suitably qualified tree specialist.
- n) Reporting of inspection and supervision.
- o) Methods to improve the rooting environment for retained and proposed trees and landscaping.
- p) Veteran and ancient tree protection and management.

The development shall thereafter be implemented in strict accordance with the approved details.

Reason: To ensure that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.

10. That the Environmental Management Plan (Rev G) shall be implemented in full throughout the construction period to the satisfaction of the Council.

Reason: To ensure compliance with environmental legislation, regulatory requirements and procedures during the construction process.

11. That any requirements and recommendations of the Central Environmental Surveys Ecological Overview dated October 2022 shall be carried out in accordance with this document prior to and throughout the construction process.

Reason: To ensure that any species are protected and suitable mitigation measures are put in place.

12. That before the development hereby approved is completed or brought into use, a visibility splay of 2.4metres by 43metres, measured from the nearside road channel line of New Trows Road, shall be provided in both directions and that everything exceeding 0.9 metres in height, when measured above the adjacent road channel level, shall be removed from the visibility splay and thereafter nothing exceeding 0.9 metres in height shall be placed, erected, planted or allowed to grow within these sight lines.

Reason: In the interests of traffic and public safety.

13. That prior to commencing works on site, the applicant shall submit detailed designs for the traffic calming works shown on J5258-A-037 Revision F and once approved in writing and before the development hereby approved is completed or brought into use, these traffic calming measures shall be provided on New Trows Road in accordance with the specification and all to the satisfaction of the Council as Planning and Roads Authority.

Reason: In the interests of traffic and public safety.

14. That the applicant shall resurface the full width of New Trows Road over the extent of the proposed site access all in accordance with a specification and timescales to be agreed in writing by the Council as Planning and Roads Authority.

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

15. That the developer shall undertake an invasive weed survey, which shall include nuisance weeds such as Horsetail, and submit the findings of the survey along with their proposed remediation strategy, all for the written approval of the Council as Planning and Roads Authority, prior to commencement on site of any topsoil stripping, earthworks or intrusive site investigations. That no invasive weeds or nuisance weeds shall be permitted below or within influencing distance of the public road. Where such weeds are located within 25metres of the prospectively adoptable road then a suitable membrane detail shall be provided adjacent to the prospectively adoptable road edge. Once approved, all works shall be progressed in accordance with the agreed remediation strategy.

Reason: To ensure that the site is free from the presence of invasive weeds.

16. That prior to occupation of any dwellinghouse on site the required walking/cycling upgrades between the main access road at Plot 1 and existing footway on Abbeygreen, shall be implemented on site generally in accordance with drawing L-GT-10-01 Revision C which will include introduction of remote footpath lighting columns generally in accordance with drawing 3133 Revision B.

Reason: To ensure the provision of adequate links and lighting to serve the development.

17. That the developer shall submit detailed proposals for a new bus stop and shelter on Abbeygreen and once approved shall install this bus stop and shelter at the agreed location to the satisfaction of the Council as Planning and Roads Authority in consultation with Strathclyde Partnership for Transport prior to occupation of the first dwelling house.

Reason: This detail has not been submitted or approved.

18. That all remote footways shall incorporate continuous filter drains which shall discharge via a silt trap into Scottish Water's system or other suitable outfall all to the satisfaction and written approval of the Council as Planning and Roads Authority.

Reason: To ensure appropriate drainage.

19. Prior to commencing works on site, the applicant shall submit details of the proposed surface water outfall from the SUDs basin to St Brides Burn including levels, gradients, check dams and headwall details etc., along with the existing path crossing, all for the written approval of the Council as Planning and Roads Authority.

Reason: This detail has not been submitted or approved.

20. That prior to commencement of any works on site the applicant shall submit, for the written approval of the Council as Planning and Roads Authority, details of the electric vehicle charging (EVC) facilities. Where EVC points are not located within a private driveway then details shall also include arrangements for siting of charging posts taking account of parking bays, boundary features and pedestrian movement, and be accompanied by proposals for maintenance arrangements. Once approved the agreed EVC provision shall be installed, commissioned, and maintained in accordance with the approved plans and specifications prior to that property which it serves being occupied.

Reason: To ensure the provision of appropriate facilities on site.

21. That prior to completion of each dwelling house, the first 2.0 metres of the driveway serving that dwelling shall be so surfaced in a bound material and trapped to prevent any surface water or deleterious material from entering the prospectively adoptable road.

Reason: In the interests of road safety.

22. That prior to occupation of each proposed dwelling house, the driveway serving that property shall be constructed such that the gradient does not exceed 1 in 12.

Reason: In the interests of traffic and public safety.

23. That prior to works commencing on site, the proposed culvert, required as part of the burn crossing facilitating a foul sewer between manholes F14 and F15 on drawing J5258-A-043 Revision C, shall be designed in accordance with the Design Manual for Roads and Bridges subject to the full Technical Approval (TA) process as set out in document number CG300 of the Design Manual for Roads and Bridges with South Lanarkshire Council identified as Technical Approval Authority. The TA process must be complete and design certification approved prior to commencement of any construction operations relating to the proposed culvert. The minimum available headroom between the soffit of the culvert deck/roof and the finished level of the watercourse bed shall be 1500mm to provide ready access for future maintenance/inspection operations.

Reason: To ensure the provision of appropriate infrastructure.

24. That an earthworks design complying with the Design Manual for Roads and Bridges, based on appropriate ground investigation, and a specification complying with the Specification for Highway Works shall be submitted to The Council as Roads Authority for approval. This information shall be presented for all earthworks works associated with prospectively adoptable roads including St Bride's Burn foul sewer crossing/future Area G access. Site works on these components shall not commence until the Council's approval has been obtained.

Reason: This detail has not been submitted or approved.

25. Earthworks on which adoptable roads are to be built shall be supervised by a suitably qualified and experienced firm of chartered engineers with a geotechnical background. On completion, the supervising engineers shall compile a validation report including site records and test results demonstrating that construction was undertaken in accordance with the approved specification. This report shall be submitted to the Council as Roads Authority.

Reason: In in the interests of public safety.

26. That no dwellinghouse shall be occupied until the site is served by a sewerage scheme constructed in accordance with Scottish Water standards and as approved by the Council as Planning Authority in consultation with Scottish Water as Sewerage Authority.

Reason: To ensure the provision of a satisfactory sewerage system.

## **12. Reason for Decision**

- 12.1. The proposal would have no significant adverse impact on amenity, public safety or the local environment and complies with the provisions of Policies 1, 2, 3, 4, 6, 7, 13, 14, 15, 16 and 22 of National Planning Framework 4 (2023), and Policies 1, 2, 5, 11, 14, 15, 16, DM1, NHE9, NHE13, SDCC2, SDCC3 and SDCC4 of the adopted South Lanarkshire Local Development Plan 2 (2021).

**David Booth**

**Executive Director (Community and Enterprise Resources)**

**Date: 22 April 2024**

## **Background Papers**

Further information relating to the application can be found online:-

[P/21/2019 | Formation of vehicular access road, erection of 18 dwellinghouses, associated landscaping and infrastructure for Area A Phase 1\(Approval of Matters Specified in Conditions 1, 4, 5, 7, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 21, 24 & 25 of Planning Consent CL/16/0336\) | Birkwood Estate Lesmahagow Lanark ML11 0JP \(southlanarkshire.gov.uk\)](#)

## **Corporate Considerations**

The report raises no impacts or risks in terms of equalities or financial implications. Any implications in terms of climate change, sustainability or the environment will have been considered above in terms of the relevant national and local policies.

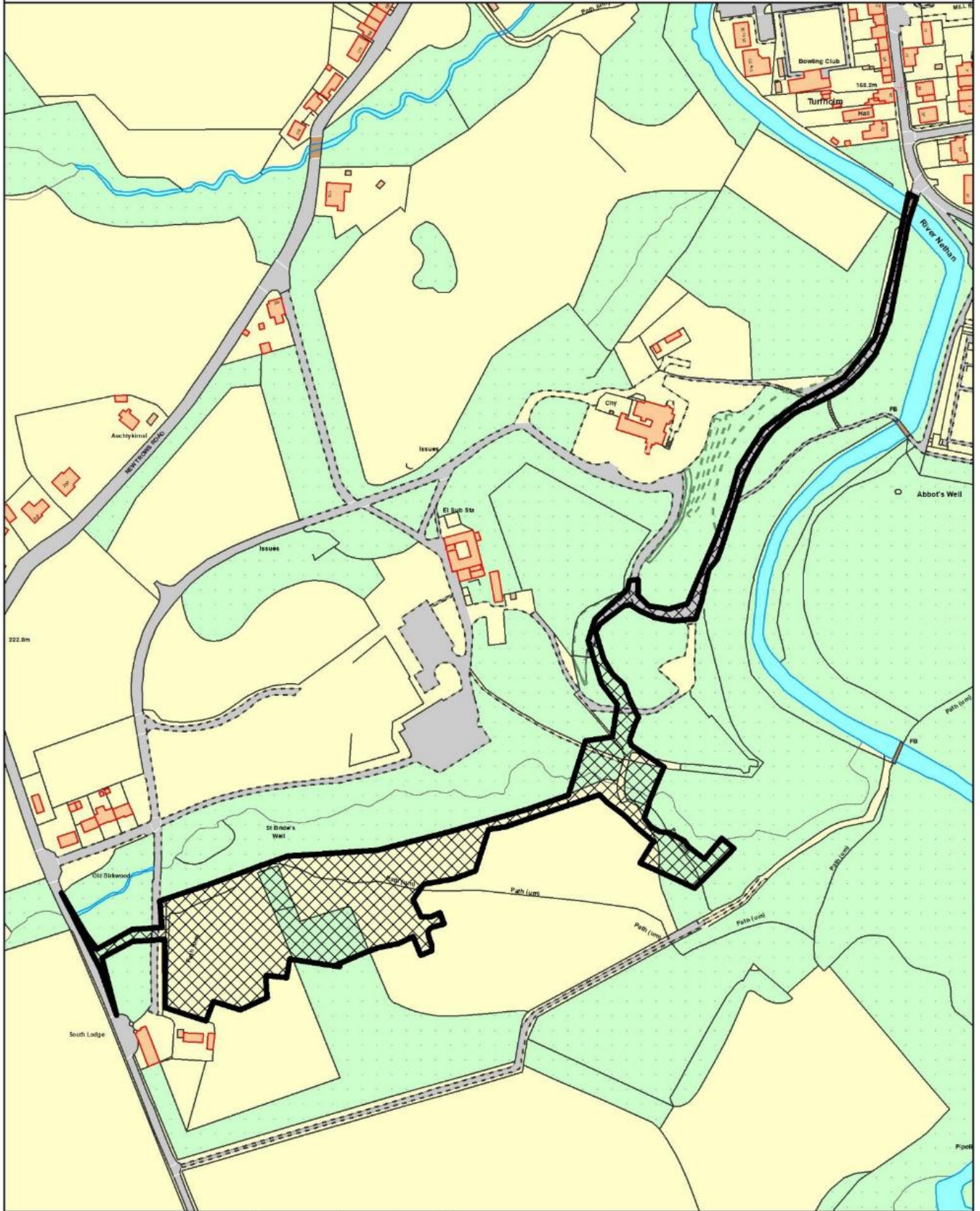
## **Contact for Further Information**

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

Tel: 01698 454867

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

# P/21/2019 Birkwood Estate, Lesmahagow



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Scale:  
1:3,500  
Date:  
21/03/2024



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Regulatory Services