

Report

Report to:	Planning Committee
Date of Meeting:	21 June 2022
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/0776
Planning proposal:	Formation of 36 house plots

1 Summary application information

Application type:	Detailed planning application
Applicant:	A Early
Location:	Land 130M North of Greenacres Access for Kersewell College from A70 to Kersewell Avenue Carnwath Lanark

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 Planning Committee has delegated powers to determine this application.
- (2) A request for a pre-determination hearing has been made in relation to this application. The request does not accord with the Council's guidance on hearings and has been declined.
- (3) Detailed planning permission should not be issued until an appropriate obligation under Section 75 of the Planning Act, and/or other appropriate agreement, has been concluded between the Council, the applicants and the site owner(s). This planning obligation should ensure that appropriate financial contributions are made at appropriate times during the development towards the following:-
 - Financial contribution towards the provision of affordable housing
 - Financial contribution towards educational facilities
 - Financial contribution towards the upgrade of community facilities

In accordance with agreed procedure, should there be no significant progress, on behalf of the applicant, towards the conclusion of the Planning Obligation within 6 months of the date of the Committee, the proposed development may be refused on the basis that, without the planning control/developer contribution which would be secured by the Planning Obligation, the proposed development would be unacceptable.

If, however, this matter is being progressed satisfactorily the applicant will be offered the opportunity to enter into a Processing Agreement, if this is not already in place. This will set an alternative agreed timescale for the conclusion of the Planning Obligation.

All reasonable legal costs incurred by the Council in association with the above Section 75 Obligation shall be borne by the applicant

3 Other information

- ◆ Applicant's Agent: Cindy Plant
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): SLDP2: Policy 2 Climate change
SLDP2: Policy 3 General Urban Areas
SLDP2: Policy 5 Development Management and Placemaking
SLDP2: Policy 7 Community Infrastructure Assessment
SLDP2: Policy 11 Housing
SLDP2: Policy 12 Affordable Housing

◆ Representation(s):

▶	45	Objection Letters
▶	0	Support Letters
▶	1	Comment Letters

◆ Consultation(s):

SEPA West Region

Scottish Water

Roads Development Management Team

Roads Flood Risk Management

Community and Enterprise Resources - Play Provision Community Contributions

Education Resources School Modernisation Team

Housing Planning Consultations

West of Scotland Archaeology Service

Environmental Services

Planning Application Report

1 Application Site

- 1.1 The application site consists of an open field 3 hectares in size, situated within the settlement boundary of Kersewell approximately 3km to the east of Carnwath. The site is accessed from the settlement of Kaimend to the south along a private road, known as Kersewell Avenue, which is over 1km in length. Within the Kersewell Estate there are a number of groups of dwellinghouses of various types and age. The site is generally flat and a number of mature trees are located in the field. A stob and wire fence bounds the site to the south-west and south-east.
- 1.2 A dwellinghouse known as Greenacres lies to the south-west of the site. Kersewell Avenue bounds the site to the south-east with open fields to the north-west and north-east. The field at the north-west of the application site has the benefit of Planning Permission P/19/1250 for 8 dwellings (Amendment to Planning Permission CL/17/0476) – construction work has already started on three of these approved dwellings. Also adjoining the construction site is an area of ground which has been levelled and surfaced and is being used to store material for the adjacent residential development – that area has Planning Permission P/20/0301 for a detached dwelling and a detached garage with accommodation above. A group of dwellinghouses at Finlayson Lane are located to the north-east of the application site, and two dwellings known as Heron Rise and Janefield are located to the north of the site.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning permission to form 36 house plots accessed directly from Kersewell Avenue orientated around an interior spinal road which diverges into three cul-de-sacs linked at the end by interconnecting amenity space. Each plot will be assigned a spacious garden. Three areas of amenity open space would be located in the, northern, north eastern and south eastern areas. One of these open spaces will also contain a Sustainable Urban Drainage system. It is proposed to take vehicular access from Kersewell Avenue at the south eastern corner which is adjacent to amenity space. Foul drainage will be dealt with by a biodisc treatment system with capacity for 225 people. An outfall pipe connected to the surface drainage would then extend to the nearest watercourse, crossing adjoining fields. Evidence of a wayleave across that land has been provided. Some of the existing trees will be retained and new landscape belts will be established around the edges and some of the rear boundaries of the plots.
- 2.2 As supporting documents the applicant has submitted a Design and Access Statement, Design and Development Guide, Pre-Application Consultation Report, Road and Drainage Information, Soakaway Calculations and a Flood Risk Assessment.
- 2.3 As the proposal relates to a residential development which falls within the definition of 'major' development, as set out in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, the applicant undertook a pre-application consultation prior to the submission of this planning application.

3 Background

3.1 Local Plan Status

- 3.1.1 The determining issues in the consideration of this application are its compliance with the adopted South Lanarkshire Local Development Plan 2 and its impact on residential amenity, traffic safety, environmental matters, and infrastructure issues.

3.1.2 In the adopted South Lanarkshire Local Development Plan the site is identified as a housing site and falls within the settlement boundary of Kersewell where the relevant land use Policies are 3 – General Urban Areas and 11 - Housing. In addition, Policies, 2 - Climate Change, 5 - Development Management, 7 – Community Infrastructure Assessment and 12 – Affordable Housing are of relevance to the determination of this application.

3.2 Relevant Government Advice/Policy

3.2.1 In terms of residential development, Scottish Planning Policy (SPP) advises that the planning system should identify a generous supply of land to support the achievement of housing land requirements and maintaining at least a 5 year supply of land at all times. It should also enable the development of well designed, energy efficient, good quality housing in sustainable locations and focus on the delivery of allocated sites. Consideration should be given to the re-use or re-development of brownfield land before development takes place on greenfield sites.

3.3 Planning Background

3.3.1 Planning Permission in Principle CL/10/0457 for a residential development covering approximately 1.9 hectares of the current application site was granted in April 2011. Planning Permission CL/13/0488 was granted for 36 house plots in February 2014.

3.3.2 Planning permission was granted in September 2007 for the erection of 9 detached dwellings on land to the north-west of the site (CL/07/0205). This was subsequently amended by an application to change the proposal to the creation of 9 house plots (CL/09/0071), which was granted consent in May 2009. A section 42 application CL/14/0187 to vary condition 01 of planning permission CL/09/0071 to extend the period of consent by three years was granted in June 2014. Planning Permission CL/17/0476 for 8 dwellings was granted in March 2018. Planning Permission P/19/1250 for 8 dwellings (Amendment to Planning Permission CL/17/0476) was granted in November 2019 – construction work has already started on three of these approved dwellings. Also adjoining the construction site is an area of ground which has been levelled and surfaced and is being used to store material for the adjacent residential development – that area has Planning Permission P/20/0301, granted May 2021, for a detached dwelling and a detached garage with accommodation above.

3.3.3 There is an extensive planning history of development over the past 20 years or so within the wider Kersewell Estate involving the erection of individual dwellinghouses, the creation of small housing developments and the conversion of Bertram House to flats.

3.3.4 The development is classified as a 'major' development under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and was subject to a 12 week period of pre-application consultation (PAC) including a public exhibition which was held in the Carnwath Town Hall. The event was also advertised in the local press and a PAC report has been submitted with this application in adherence with current regulations. A total of 21 people attended, and 5 responses were received.

4 Consultation(s)

4.1 **SEPA** – The consultation falls below the threshold where they would provide bespoke advice therefore reference should be made to SEPA standing advice.

Response: Noted. For the previous planning application SEPA did provide a specific consultation response along with recommended conditions which were attached to the Planning Permission. If Planning Permission is granted for this application these conditions will be re-applied. The applicant proposes discharging treated drainage and

sewerage into the North Medwyn - a separate Controlled Activities Regulations (CARS) licence from SEPA will be required to discharge into any water course.

- 4.2 **Scottish Water** – There is sufficient capacity at the Coulter Water Treatment Works, however, at present capacity at the Kaimend ST2 Waste Water Treatment Works cannot be confirmed. For reasons of sustainability and to protect their customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into their combined sewer system. According to their records the development proposals may impact upon Scottish Water assets. The applicant should be aware any conflict with assets identified may be subject to restrictions on proximity to construction.

Response: Noted. If permission is granted conditions will be applied requiring confirmation from Scottish Water that the proposed dwellings can be connected into the public water supply. The intention is that surface water will be dealt with by SUDS and then via a culvert to discharge into the North Medwynn, not the combined sewer. Conditions have been attached requiring written confirmation from Scottish Water that the development can be connected into the public water supply and won't impact upon Scottish Water Assets. The applicant is proposing private sewerage treatment and disposal arrangements and therefore will not be connecting into the public sewer.

- 4.3 **Roads and Transportation Services** – No objection to the proposal subject to conditions relating to traffic management, a dilapidation survey, visibility, parking, access, roads standards, traffic calming, wheel washing and road cleaning facilities and staff parking. Based on the traffic modelling that was undertaken and the information submitted in relation to the application, it is estimated that 36 residential units are likely to generate in the region of 29 vehicular trips in the morning and evening peaks, which would equate to one additional vehicle every two minutes during the busiest times. The impact of the additional traffic generated from the development is not considered likely to have a detrimental impact on the surrounding area or road network.

In addition to the above, the proposed conditions will also cover the following roads related matters:-

- ◆ Upgrade the existing passing places;
- ◆ Form additional passing places;
- ◆ Incorporate pedestrian refuge areas at these passing places;
- ◆ Signage to highlight the presence of pedestrians;
- ◆ Upgrade of the existing access road prior to occupation of any house within the development;
- ◆ Phasing of the development;
- ◆ Grit bin provision;
- ◆ Drainage; and
- ◆ Details of maintenance arrangements to ensure the upkeep of the access road.

The purpose of these conditions is to mitigate the impact from the additional traffic generated from the proposed development.

Response: Should consent be granted, conditions can be attached to cover these matters.

- 4.4 **Flood Unit** – All flooding and drainage related plans and details are considered satisfactory. An appendix E document should be completed and submitted at the earliest opportunity, ideally before the construction phase of the development is complete.

Response: Noted. If consent is granted, a condition shall be attached requiring the installation of the approved drainage scheme prior to the commencement of work on the dwellings and prior to the occupation of any dwellings the submission and approval of appendix E 'Confirmation of Future Maintenance of Sustainable Drainage Apparatus.'

- 4.5 **Community and Enterprise Resources** - Basing the response on 36 dwellings being created, it is calculated that £54,000 should be available for investment in community assets. There are several community assets in the area and the majority of them are in need of investment. Looking to target the contributions towards existing facilities in the area, therefore, aim should be to obtain the maximum commuted sum with phasing to be agreed as the discussions develop. Regardless of the timings, it is anticipated the requirements for investment to be extensive and, accordingly, would wish to secure the maximum level of developer contribution. Please note that the Council's Grounds Services would not adopt any open space or play areas for future maintenance and, as such, consideration of a factoring arrangement or similar would be required.

Response: If permission is granted a condition would be attached requiring the submission and approval of a play area within the site along with a maintenance schedule. In view of the cumulative impacts of several residential developments upon existing Council services/ facilities, a financial contribution to upgrade such facilities is justified in this instance - this requirement will be covered by a section 75 agreement.

- 4.6 **West of Scotland Archaeology Service** – advise that as a large number of remains have been recorded in the wider landscape surrounding the site, they recommend that an archaeological evaluation is carried out prior to consent being issued, however, if that is not feasible the matter should be addressed by condition.

Response: Noted. For the previous Planning Permission CL/13/0488 an archaeological investigation condition was attached and therefore it would seem reasonable in this instance to also address archaeological issues through suspensive condition.

- 4.7 **Education Resources** - no objections subject to the developer providing a financial contribution for education accommodation in the school catchment areas for the site. The money would be directed to St Mary's Primary School, Lanark and nursery provision in the area. The current three year projection identifies that Carnwath Primary School would have a requirement for approximately 135 pupils which is below the current capacity of 210 pupils. It is therefore considered that pupils from this development could be accommodated within Carnwath Primary School without any adaptations being required.

Response: Noted. Planning permission would not be issued until an appropriate obligation under Section 75 of the Planning Act, and/or other appropriate agreement, has been concluded between the Council and the applicants. This planning obligation would ensure that appropriate financial contributions are made at appropriate times during the development towards education accommodation. The applicant has in principle indicated a willingness to conclude a section 75 obligation. This planning obligation would ensure that sufficient financial contributions are made at appropriate times during the development towards educational provision in the local area.

- 4.8 **Housing Services** – A Section 75 agreement should provide flexibility to deliver 25% affordable housing by way of serviced land with a fall-back position of a commuted sum in the event affordable housing cannot proceed within the timeframe agreed for take up of the option.

Response: Noted. Because of its remoteness from public transport routes, services and shops etc the site is not suitable for affordable housing and therefore a commuted

sum to finance affordable housing elsewhere in the housing catchment area would be more appropriate than on site serviced plots.

Planning permission would not be issued until an appropriate obligation under Section 75 of the Planning Act, and/or other appropriate agreement, has been concluded between the Council and the applicants. This planning obligation would ensure that financial contributions are made at appropriate times during the development towards affordable housing.

- 4.9 **Environmental Services** – no objection subject to conditions covering refuse storage and disposal and dust mitigation and informatives on construction noise, pest control, nuisance, and contamination

Response: Noted. These matters can be covered by condition and informatives if consent is granted.

5 Representation(s)

- 5.1 In response to the carrying out of neighbour notification and the advertisement of the application in the local press for Non Notification of Neighbours and Owners, 45 letters of objection and one comment letter have been received. The issues raised are summarised below:-

- a) **Damage to the road caused by construction traffic. Any further construction traffic would most likely render the road unusable.**

Response: If consent is granted a condition will be attached requiring an initial survey of the haul route to identify the current condition prior to construction and any damage to the road attributable to the approved development shall be repaired after completion of the development or every year if construction lasts longer than a year.

- b) **Disruption caused by construction.**

Response: Construction will only be for a temporary period and conditions and informatives to address residential amenity issues will be attached to the Decision Notice in the event that Planning Permission is granted.

- c) **Any spare space is used for new build homes.**

Response: All proposals for residential development are carefully assessed against Local Plan policies and potential environmental impacts

- d) **Kersewell Avenue and its single track access is not capable of sustaining a housing development of this size. The road is full of potholes and has too few passing places to support more traffic. Excessive deterioration of the road. The entrance to Kersewell Avenue is a blind spot. With an accident record and further traffic flow will simply exacerbate an existing problem. The site is accessed by a mile long single track, unadopted road. It has neither a footpath nor street lighting and it floods periodically, additional traffic will compromise road safety. When construction traffic meets traffic in the opposite direction there is no passing points. There will be a significant increase in traffic generation. Will render the single track road as congested, unsafe for pedestrians and increase risk of collision.**

Response: The Council's Roads and Transportation Service were consulted on this proposal and they offer no objections subject to the upgrade of the existing access road (Kersewell Avenue) also incorporating the upgrading of existing passing places and the formation of additional passing places (both to incorporate pedestrian refuges) and the provision of additional signage. If

consent is granted, an appropriately worded condition will be attached requiring such improvements.

- e) **Flooding due to building works disrupting the natural water drainage. Need assurance that the development will not exacerbate drainage issues. Ground is marshy, not highly permeable – septic disposal could cause significant environmental issues. Drainage of the area proposed is currently uncontrolled, leading at times to significant hindrance on Kersewell Avenue. Flood water drains from the field onto the road. The land earmarked for the development is prone to flooding which spills onto the private road, freezes and breaks up the tar. Adding foundations and internal roads would force this water to Findlayson Lane and adversely impact the structure of the road and homes there. The drainage survey activity was limited to the northwest corner which is the highest point diametrically opposite the worst area of the site for water flow and flooding. This was also following a long dry spell during which there had not been flooding from the site.**

Response: Following initial concerns further percolations tests were undertaken in a number of locations within the site and soakaway test results were produced. A Flood Risk Assessment has been undertaken that concludes the installation of a formal drainage network and SUDS measures would remove the issues associated with run off from the site flowing onto Kersewell Avenue and the development will not increase the risk of flooding elsewhere. A drainage layout supported by completed appendices: A 'Flood Risk Assessment Compliance Certificate', B 'Flood Risk Assessment Independent Check Certificate' C 'Sustainable Drainage Design Compliance certificate', D 'Sustainable Drainage Design Independent Check Certificate' of the Council's Developer Design Guidance (May 2020) has been submitted. The Flood Unit in their consultation response have confirmed that the proposed drainage layout is acceptable subject to the submission and approval of appendix E 'Confirmation of Future Maintenance of Sustainable Drainage Apparatus' of the Council's Developer Design Guidance (May 2020) prior to the completion of the development. The installation of an approved drainage layout and completion of appendix E can be covered by condition if planning permission is granted. Sewage will be treated by a contained bio disc treatment plant with capacity for 225 residents prior to discharge via an existing culvert.

- f) **Noise, dust and pollution caused by increased construction traffic.**

Response: If planning approval is granted conditions and informatives will be attached covering dust mitigation and construction noise. For a development of this size and scale pollution is not anticipated to be an issue.

- g) **The cumulative effects alongside other consented developments should be taken into account. It seems unbelievable that a 3rd large scale development would be considered given issues currently faced with two smaller developments. Already have a large, unfinished building site that seems to have been abandoned in the area. It is an eyesore for all who live here and it does not look like it will be finished anytime soon.**

Response: This application has been carefully considered taking account of existing and consented development in the locality. With conditions covering amenity issues, access improvements, traffic management and drainage attached to any decision issued, potential cumulative impacts can be minimised. Other residential development will likely be substantially completed before work starts on this site thereby avoiding potential conflicts. One of these sites is at Bertram House some distance away to the north east. The work on

the adjacent construction site has stopped until an outstanding condition relating to the provision of an additional passing place has been discharged – feedback from the developer suggests a satisfactory resolution is achievable thereby enabling construction work to restart.

- h) The road should be adopted, and traffic calming measures installed and maintained. Exceeds the normal guidance for quantity of dwellings served by an unadopted road. Road condition needs to be reinstated and upgraded to an adoptable standard and South Lanarkshire Council should adopt the road prior to selling plots for development.**

Response: The requirement for the upgrading of Kersewell Avenue to an adoptable standard would require the widening of the road, the creation of footways and the introduction of street lighting. The need for this was a requirement on a previous consent based on traffic levels generated by that proposal, in association with those on previous approvals for residential development at Kersewell, in comparison to those generated when Bertram House was in commercial use. Whilst recognising that requirement set down at that time, it is considered a number of points are worth noting. First, based on the traffic modelling for the development and information provided in support of the application, the volume of additional traffic that would be generated by this proposal would not have an unacceptable impact on the surrounding road network and therefore the implementation of works requiring the road to be upgraded to an adoptable standard would be disproportionate to the scale of the development. Second, the effect would be to suburbanise the area and adversely affect the rural character of the locality. Nonetheless, road safety concerns raised are a material consideration within the context of the existing situation in the locale. Taking this altogether it is considered that on balance a pragmatic, proportionate and more sympathetic approach which does not compromise public safety should now be taken. This would involve selective and deliverable improvements including the upgrading of, and provision of, additional passing places, pedestrian refuges and the introduction of additional signage.

- i) Consideration should perhaps be given to also adopting the road beyond Heron Rise giving direct access to the A70 without the need to drive down Kersewell Avenue.**

Response: The applicant does not have control or right of access over that section of road.

- j) Dwellings do not fit the character of the area.**

Response: At this stage the proposal is for houseplots without design details and if consent is granted a further application will be necessary to consider the appropriateness of the house types and design.

- k) The development will have an adverse effect on the rural character. The scale and density of the proposal would diminish the character of the countryside in this locality.**

Response: The site falls within the settlement boundary of Kersewell and is identified in the Local Plan as a housing supply site therefore the acceptability of a residential development has already been established through the local plan process, however, the rural setting and character with surrounding woodland, farmland and river valleys will not be diminished.

- l) **There is no provision for mains sewage and the sewage treatment plant is situated next to an existing dwelling and a road used for local walks.**
Response: The proposed sewage plant will be installed in accordance with current guidance and standards.
- m) **Not all residents have any legal obligation to enter a factoring scheme and, as such, a factoring scheme could be difficult to enforce proportionally.**
Response: A significant number of existing dwellings are already bound by the terms of a factoring scheme. If consent is granted there will be a requirement for the details of a factoring scheme to be approved by the Council and thereafter the burden of this factoring scheme shall be placed on the title deeds of each of the approved dwellings.
- n) **There is no guarantee the road will be cleared for residents when snow blocks it.**
Response: As in the case of all private accesses the responsibility rests with the owner and associated users.
- o) **Impact upon water pressure.**
Response: Scottish Water have not objected and have confirmed that there is sufficient capacity in their water supply system albeit a formal application direct to them will be necessary to confirm connection.
- p) **Impact upon broadband. Broadband supply is currently excessively slow and intermittent, significantly below government guidelines. With no fibre and limited space at the exchange this would place additional burden on an already insufficient system.**
Response: It is the responsibility of internet providers to ensure adequate connections can be achieved without impact upon local connectivity. Also, in the event of planning approval a condition will be attached which states: 'Prior to commencement of the development hereby approved, details of measures to facilitate the provision of full fibre broadband to serve the development, including details of appropriate digital infrastructure and a timescale for implementation, shall be submitted to and approved in writing by the Council as Planning Authority, unless otherwise agreed in writing with the applicant.'
- q) **No play facilities are planned.**
Response: If planning permission is granted conditions will be attached requiring the approval and installation of a play area to serve the development.
- r) **Significant overlooking and loss of privacy.**
Response: Although this application is only for houseplots the indicative house footprints have been outlined. The orientation and position of these indicative dwellings are such that the privacy of neighbouring properties will not be compromised. Any further planning application for house details will have to demonstrate maintenance of privacy standards.
- s) **The density of the development is significantly at odds with the surrounding area. An additional 36 dwellings would fundamentally alter density to the detriment of the surrounding farmland, wildlife and residents. The density of the existing homes is optimal with sufficient garden and spacing with common ground to maintain rural nature. How does one squeeze 36 houses onto a plot that would probably only fit 5; maybe 6 of the existing houses within the proximity of the site.**

Response: The Kersewell Estate has been the subject of several consented applications for small scale housing development. As a result, the Council has identified a settlement boundary for this area in the proposed South Lanarkshire Local Development Plan. This current proposal represents a rounding off development opportunity in a similar manner in terms of scale and density as previous approved layouts. The application site is bounded on three sides by existing or consented residential development and in the context of its surroundings can visually integrate and blend in with the nearby built environment.

- t) **The greenfield site is in countryside beyond any defined settlement boundaries and in a location where there are very limited facilities, amenities, public transport links and employment opportunities. Would be contrary to the government's objective of securing sustainable patterns of development. The development of 36 family homes at Kersewell Avenue would place a heavy and unsustainable reliance on travel by car. Nearest schools, shops, services and medical practice will have to be accessed by car. There are opportunities to develop in more sustainable locations.**

Response: The site falls within the settlement boundary of Kersewell which is within 3km car journey of Carnwath where shops, services, and a medical practice can be accessed. This is not dissimilar to most small settlements which lack a range of services and are reliant on visits to nearby larger settlements. In terms of sustainability there is going to be a move towards electric cars and in recognition of that a condition will be applied requiring electrical car charging points in the event planning permission is granted. Another condition will require renewable energy and carbon reduction technology to be incorporated into the house designs. Further, since COVID restrictions and the practice of home working was established two years ago, a significant proportion of people are continuing to work from home despite the lifting of restrictions and therefore can avoid daily commute journeys.

- u) **Can schools cope with the increase in pupil numbers.**

Response: In their consultation response Education Resources have not raised any objections subject to financial contributions to cover capacity constraints in nursery and denominational primary schooling. The applicant has agreed to pay the requested contribution.

- v) **How will pupils be bussed to school? The existing mini-bus service may be insufficient yet there is no safe turning space on this single track road for a larger bus.**

Response: It is the responsibility of the school authorities to provide transport for school children. If a larger bus is unsuitable then they will make that judgement.

- w) **The opportunity should be taken to install an environmentally communal sewage management system.**

Response: The development will be served by a bio disc sewerage treatment system.

- x) **It is clear from the constant stream of applications for this site the applicant is only trying to get planning application passed with the minimum outlay or work and he shows no positive commitment to this community.**

Response: This is the first planning application covering this site since the previous Planning Permission CL/13/0488 for the same proposal was granted in February 2014. The applicant has agreed to contribute financially towards upgrading community facilities in the vicinity.

y) Insufficient waste disposal facilities for food and garden waste.

Response: If permission is granted a condition will be attached requiring the approval of details for waste storage and disposal facilities.

z) No mention of 36 dwellings being built prior to purchasing property opposite the site.

Response: The objector may have bought the property after the previous Planning Permission CL/13/0488 for 36 plots expired in February 2017.

aa) No public infrastructure such as street lighting or sewerage.

Response: In their consultation response Roads and Transportation Services did not highlight a requirement for street lighting. A private sewerage treatment plant is proposed.

bb) Strongly urge that South Lanarkshire Council considers redeveloping the derelict buildings that already exist in South Lanarkshire rather than approving new houses. Or if new houses must be built, to consider building in new areas rather than on top of existing properties.

Response: The identification of this site has been carefully considered through the Local Plan process.

cc) Noise and traffic pollution could rise dramatically and the loss of natural habitat for wild animals.

Response: Noise complaints are dealt with by Environmental Services through separate legislative controls. This is not an air quality zone and due to the low density, open nature of the area surrounded by countryside traffic fumes can be easily dispersed. Other than some mature trees most of the site comprises agricultural grazing land not considered to be an optimal habitat for wildlife.

dd) The site in question is a central location that contributes significantly towards the unique landscape character of Kersewell.

Response: The proposal represents an appropriate rounding off / infilling of development opportunities at Kersewell, on a site which has been considered suitable for housing through the Local Plan process.

ee) It has become clear that once permission has been granted, there are no repercussions for when conditions are breached.

Response: If a breach of condition is brought to the attention of Planning then enforcement action procedures will be initiated.

ff) Now that the restrictions of COVID 19 are being gradually removed it is requested that any planning meeting to consider this issue is delayed until the public can attend to express their concern.

Response: Members of the public are only able to address the Committee if attending as representatives at a hearing, however, as stated at paragraph 2.2 on the front page of this report, a request for a pre-determination hearing has been received in relation to this application which has been declined as it does not accord with the Council's guidance on hearings. Meetings of the Committee are livestreamed and the proceedings can be viewed on-line via the Council website.

- gg) **Given the location and the road that serves it a line has to be drawn on future development without the most careful consideration.**

Response: Unless the full length of Kersewell Avenue is upgraded to an adoptable standard road I would agree that capacity for additional housing development, beyond consented sites and those identified as housing sites on the Local Plan proposal map, has now been reached.

- hh) **Building works can be expected to go on for many years and South Lanarkshire Council Planning permission only requires the developer to repair the damage they caused once they finish building.**

Response: The condition has been revised so that repair work will be required every year if construction work exceeds 1 year.

- ii) **South Lanarkshire Council need to reconsider their planning permission conditions.**

Response: Conditions attached to the previous Planning Permission CL/13/0488 have been revised and updated where appropriate whilst conditions have been added to take account of current Local Plan policy/guidance and environmental considerations.

- jj) **South Lanarkshire Council need to work along with residents to carry out a full risk assessment on the safety of this road and a traffic management scheme is put in place which will restrict access to 1 HGV on this farm track at a time.**

Response: The Council are fully aware of the issues relating to traffic movement along Kersewell Avenue through numerous representations received from local residents. Proposed conditions to be attached to a decision if consent is granted have been carefully worded to ensure that safety concerns are satisfactorily addressed. The traffic management condition requires a programme indicating the phasing of construction of development, together with a Traffic Management Plan indicating the circulation of vehicles and pedestrians and how the road and services will be managed and delivered for the development.

- kk) **The majority of residents have purchased their homes for the views and now these views are going to be built over.**

Response: The rights to a view are not a relevant planning matter.

- ll) **Each plot would have to accommodate and manage parking for the builders and delivery of building supplies.**

Response: If consent is granted a condition will be attached requiring the creation of a parking area for construction traffic within the application site boundary.

- mm) **Residents moved here because they wanted to live in a hamlet, not a town. It does not feel right that residents are sold properties and then have that taken away.**

Response: Even with the development of the application site, which is identified as being suitable for housing through the local plan process, Kersewell will still retain the characteristics of a small rural settlement.

- nn) **There are a number of mature trees in the area which would require felling to accommodate development. Many of these are a significant age, dead or dying – these trees provide an important habitat for invertebrates, birds and possibly bats.**

Response: There are several individual trees of an advanced maturity, in various isolated locations within the field and were possibly originally planted as a parkland feature associated with Bertram House – these trees are now showing signs of decline. Six trees will be removed to accommodate the development whilst three will be retained. Tree loss will be compensated by proposed tree planting around the site periphery, within amenity space and along the internal access road frontages. Conditions will be attached to protect retained trees. In recognition that the trees earmarked for removal could provide a habitat for wildlife, a condition will be attached stipulating the need for an ecological survey of the trees, prior to their removal, to identify wildlife species affected along with any necessary mitigation measures to minimise impacts or disturbance.

oo) Are there any Councillors on the Planning Committee representing constituents who will benefit from planning gain.

Response: This is not relevant to the planning assessment of the proposal.

pp) Annual repairs will only be effective for usage by cars and small vans but will likely be undone by the passage of large construction vehicles.

Response: This matter will be carefully monitored to ensure repairs are carried out to adequate standard.

5.2 These letters are available for inspection on the planning portal.

6 Assessment and Conclusions

6.1 The determining issues in the consideration of this application are its compliance with the adopted South Lanarkshire Local Development Plan 2 (SLLDP2).

6.2 Under Policy 11 - Housing, the application site is identified as part of the housing land supply in the adopted SLLDP2 proposal's map and is included within the settlement boundary of Kersewell where Policy 3 – General Urban Areas and Settlements advises that residential developments on appropriate sites will generally be acceptable. The residential development of the site positively contributes towards the Council's requirement to maintain a five year effective supply of housing land provision. Furthermore, effective housing land within the settlement of Upper Braidwood meets the aims of Scottish Planning Policy by providing a sufficient and sustainable supply of housing within an existing residential area with access to services nearby. Policy 11 encourages a range of house sizes and types to give greater choice in meeting the needs of the local community whilst recognising demands of the wider housing market area. Although the application at this stage is for house plots, required further applications covering design and house type within each plot allows an opportunity for a reasonable range of styles and housing types. The proposal satisfactorily complies with the aims of Policies 3 – General Urban Areas and settlements and 11- Housing of the adopted local development plan and therefore the principle of the proposed development is acceptable.

6.3 Policy 2 Climate Change seeks to minimise and mitigate against the effects of climate change by considering various criteria including: being sustainably located; reuse of vacant and derelict land; avoidance of flood risk areas; incorporating low and zero carbon generating technologies; opportunities for active travel routes and trips by public transport; electrical vehicle recharging infrastructure and where appropriate connection to heat networks. There is no flooding risk from water courses and surface water flow can be adequately contained by the implementation of the approved drainage plan. A landscaping plan has identified trees to be retained along with additional tree planting. Conditions have been attached requiring the submission and

approval of details for low carbon technology and electrical charging points. In consideration, the proposals would not undermine the objectives of policy 2.

- 6.4 Policy 5 - Development Management and Place Making, together with the Development Management and Placemaking Supplementary Guidance supports residential developments where they do not have a significant adverse effect on the amenity of the area. In addition, any new development must relate satisfactorily to adjacent and surrounding development in terms of scale, massing, materials, and intensity of use. The character and amenity of the area must not be impaired by reason of traffic generation, parking, overshadowing, overlooking or visual intrusion.
- 6.5 Kersewell comprises a series of building groups developed over a period of time. This includes several detached dwellings to the north and south of the site, a housing development completed over ten years ago by Muir Homes and former local authority housing a small distance to the north east. In addition, new housing in association with the conversion of the listed Bertram House has been granted on land to the east of the site while consent also exists for 8 dwellings immediately to the north. The site is bounded on three sides by existing development or that which already has planning consent. The proposed development would therefore consolidate the established development pattern in the locality. This is aided by the existing woodland backdrop to the site which further promotes visual integration and reduces the impact on the rural and landscape character of the surrounding area. In addition, views into the site from the wider area are limited. The site is accessed by an existing private road approximately 1km in length along which is a mixture of clusters of houses of varying age. As a totality these groups are reasonably well contained and do not relate visually to the application site or the existing wider development grouping at Kersewell. The site can accommodate an additional residential development of the scale proposed without affecting the setting or character of these building groups. The development will not appear out of place as it can successfully merge into its background due to the presence of mature trees and building groups centred around Bertram House. The site will face onto the junction with Bertram Avenue where there is a neighbourhood hub. The layout, orientation, amenity provision and landscaping is also satisfactory and the main elevations of houses will front onto the adjacent roads. Visual integration can be further enhanced by landscaping, tree and hedgerow planting along plot and site boundaries. Tall trees and mature woodland to the west and north provide a backdrop enabling a sense of containment. From the Medwin Valley to the south there are open aspects towards the site, however, from that distance the roofscape of the new development with associated landscaping will naturally merge into the mature woodland setting and nearby building groups, singularly dominated by Bertram House with its backdrop of extensive mixed woodland. The design of the proposed houses do not form part of this application, however, a condition would be added to any consent granted to require a detailed planning brief to be agreed with the Council. This will set parameters on building heights, plot ratios, design details and materials. Roads and Transportation Services have not raised any road safety issues affecting the development of the site subject to several conditions including ones covering improvements to Kersewell Avenue, traffic management, a dilapidation survey and the internal road layout of the development. In addition, no objections have been received from statutory consultees in terms of infrastructure provision and appropriate conditions will be used if consent is granted to cover these matters.
- 6.6 In view of the above, it is considered that the proposal would relate satisfactorily to adjacent development, and the character and amenity of the residential area would not be impaired by reason of traffic generation, parking, visual intrusion or physical impact. The proposal is therefore satisfactory in terms of Policy 5 - Development Management and Place Making of the adopted local development plan.

- 6.7 Policy 7 - Community Infrastructure Assessment states that where development proposals would require capital or other works or facilities to enable the development to proceed, financial contributions towards their implementation will be required. These contributions will be appropriately assessed, and developers will be required to ensure transparency in the financial viability of a development. In compliance with this the applicant has agreed to make financial contributions towards education and community facilities. Policy 12 - Affordable Housing states that the Council will expect developers to contribute to meeting affordable housing needs across South Lanarkshire by providing, on sites of 20 units or more, up to 25% of the site's capacity as serviced land for the provision of affordable housing, where there is a proven need. If on-site provision is not a viable option, the Council will consider off-site provision in the same Housing Market Area. The provision of a commuted sum will only be acceptable if on or off-site provision cannot be provided in the locale or there are no funding commitments from the Scottish Government. The Council's preference in this case is to seek a commuted sum in lieu of on site provision and this has been accepted by the applicant.
- 6.8 This application was deferred from the previous Planning Committee on 29 March 2022. The Planning Committee had raised issues about the deteriorating surface of the access road, the lack of an effective and co-ordinated maintenance regime, the capacity of Kersewell Avenue to deal with a significant increase in traffic without compromising public safety, and conditions attached to other planning permissions whereby a factoring scheme for future maintenance is placed on the title deeds of each new dwelling without ever being enforced.
- 6.9 Therefore, the application was deferred to enable time to consider these points and elaborate on findings in an updated report to be presented to the next available Committee. Planning and Roads after carefully assessing the situation are satisfied that proposed plots can be accommodated without adverse impacts upon road and public safety subject to carefully worded conditions. The following conditions summary for addressing these issues are as follows: 22- requires the submission of details for the upgrading of Kersewell Avenue to a sufficient standard to be approved and thereafter implemented before the occupation of any dwellings; 24 – submission for approval of traffic calming measures; 26 – a traffic management plan covering the safe movement of construction traffic and pedestrians; 29 – an independent survey to establish the condition of the access road and resurveyed every year during the construction phase to identify and repair damage attributable to vehicle usage associated with the development; 30 – requirement for a future maintenance scheme for Kersewell Avenue (following legal advice reference to a factoring scheme and inclusion into title deeds has been omitted because under current legislation this could not be effectively enforced) and 33 – requirement for wheel washing for construction traffic and road cleaning facilities. Another condition which duplicated the terms of condition 30 has been removed. The wording for the important condition 30 relating to future maintenance has been revised so that it is now unambiguous, clearer and allows for robust enforcement if future issues arise concerning alleged contravention. It is noted that maintenance and factoring requirements relative to previous developments accessed from Kersewell Avenue have in many instances been written into title deeds. Unfortunately, it appears that there is not an effective factoring and maintenance regime in place. The Council cannot become involved in private legal matters and the possibility of the Council making a referral to arbitration in respect of disputes over the maintenance of Kersewell Avenue has been considered. However, arbitration is a consensual, private and binding resolution of disputes outside the Court system and only parties to a dispute can competently refer a matter to arbitration. The Council therefore has no locus to make such a referral. In this regard the Council

would urge individual landowners to seek independent legal advice in relation to appropriate dispute resolution measures.

- 6.10 The concerns raised previously by members and local residents are noted, however, the site is located within the settlement boundary of Kersewell, is identified as a housing site and appropriate conditions have been attached to address these concerns, from a planning perspective. Kersewell Avenue is a private road serving a significant number of existing and proposed dwellings, therefore, other than the details contained within the current planning application, it is considered that no further dwellings accessed from Kersewell Avenue should be supported unless Kersewell Avenue has been upgraded to a public adoptable standard.
- 6.11 The proposals represent an appropriate form of residential development for the site, and it is, therefore, recommended that detailed planning consent be granted subject to the conditions listed. However, consent should be withheld until the conclusion of a Section 75 Obligation, or other appropriate agreement, to ensure the submission of the necessary financial contributions.

7 Reasons for Decision

- 7.1 The proposal has no adverse impact on visual or residential amenity and complies with Policies 2, 3, 5, 7, 11 and 12 of the adopted South Lanarkshire Local Development Plan 2.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 10 June 2022

Previous References

- ◆ CL/10/0457
- ◆ CL/13/0488
- ◆ P/19/0776 – Planning Committee (Special) – 29 March 2022

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 5 September 2019

►	Consultations	
	SEPA West Region	19.06.2019
	Scottish Water	20.06.2019
	Roads Development Management Team	13.09.2021
	Roads Flood Risk Management	05.07.2019
	Community and Enterprise Resources Play Provision Community Contributions	04.12.2019
	Education Resources School Modernisation Team	20.11.2019
	Housing Planning Consultations	10.12.2019
	West of Scotland Archaeology Service	01.07.2019
	Environmental Services	
►	Representations	Dated:
	Mr Steven Shon, 2 Finlayson Lane, Carnwath, Lanark, ML11 8TA	08.07.2019 08.07.2019
	Mark and Elly Newbold, 5 Finlayson Lane, Carnwath, Lanark, South Lanarkshire, ML11 8TA	24.09.2019 24.09.2019
	Mrs Claire Hardie, Craerae, Kersewell Avenue, Carnwath, Lanark, South Lanarkshire, ML11 8LE	07.07.2019 07.07.2019
	Mr Elliot Ferguson, Heron Rise, Access For Kersewell College From A70 To Kersewell Avenue, Carnwath, Lanark, South Lanarkshire, ML11 8LF	30.06.2019 30.06.2019
	Mr Gareth Waters, Broomhill Lodge, Access For Kersewell College From A70 To Kersewell Avenue, Carnwath, Lanark, South Lanarkshire, ML11 8LF	26.09.2019 26.09.2019
	Dr Christopher McDermott, Shiloah, Access For Kersewell College From A70 To Kersewell Avenue, Kersewell, Carnwath, Lanark, South Lanarkshire, ML11 8LF	16.09.2019 16.09.2019 16.09.2019
	Mrs K Lindsay, Woodlea, Access For Kersewell College From A70 To Kersewell Avenue, Carnwath, Lanark, ML11 8LF	07.07.2019 07.07.2019 07.07.2019
	Cherylwyn Stephenson And Barry McHardy, 1 Finlayson Lane, Carnwath, Lanark, South Lanarkshire, ML11 8TA	25.09.2019 25.09.2019
	Mrs Lesley Ferguson, Heron Rise, Access For Kersewell College From A70 To Kersewell Avenue, Carnwath Lanark, South Lanarkshire, ML11 8LF	30.06.2019
	Mr George Migklis, Heron Rise, Access For Kersewell College From A70 To Kersewell Avenue, Carnwath Lanark, South Lanarkshire, ML11 8LF	30.06.2019

Mrs Barbara Harding, 3 Kersewell Terrace, Carnwath, Lanark, South Lanarkshire, ML11 8TL	03.07.2019 03.07.2019
Mr David Wills, 15 Finlayson Lane, Carnwath, Lanark, South Lanarkshire, ML11 8TA	14.07.2019 18.05.2022
Miss L Thompson, Bertram House, Lanark, ML11 8TB	12.05.2021
Barry Clarke, 18 Bertram House, Bertram Avenue, Carnwath, Lanark, South Lanarkshire, ML11 8TB	25.05.2021
Mr Elliot Ferguson, Heron Rise, Lanark, ML11 8LF	21.06.2021
Mrs Lesley Ferguson, Heron Rise, Lanark, ML11 8LF	21.06.2021
David Wills, 15 Finlayson Lane, Carnwath, Lanark, South Lanarkshire, ML11 8TA	18.08.2021
Mrs Georgina Muir, 35 Woodside Crescent, Carnwath, Lanark, South Lanarkshire, ML11 8LD	03.07.2019
Mr Gary Waddell, 1 Bertram Avenue, Carnwath, Lanark, South Lanarkshire, ML11 8TB	03.07.2019
Mr Richard Clay, 5 Kersewell Terrace, Carnwath, Lanark, South Lanarkshire, ML11 8TL	07.07.2019
Emma Lake, 8 Kersewell Terrace, Carnwath, Lanark, South Lanarkshire, ML11 8TL	25.09.2019
Gary and Patricia Waddell, 1 Bertram Avenue, Kaimend, Carnwath, ML11	25.09.2019 25.09.2019
Scott And Lesley Sheridan, 9 Finlayson Lane, Kaimend, Carnwath, ML11 8TA	25.09.2019
David and Helen McMunn, 17 Finlayson Lane, Carnwath, Lanark, ML11 8TA	25.09.2019
Mr Steven Shon, 2 Finlayson Lane, Carnwath, Lanark, South Lanarkshire, ML11 8TA	09.09.2019
Scott and Lesley Sheridan, By Email	24.09.2019
Val and Grant Logan, By Email	24.09.2019
Jenny and David King, By Email	24.09.2019
Sandy and Jo Hutcheson, By Email	24.09.2019
Fiona Wallace and Brian Kerr, Flat 20, Bertram House, Bertram Avenue, Kaimend, Carnwath, ML11 8TB	01.10.2019

Mr Brian Lindsay, Woodlea, Kersewell Avenue, Carnwath , Lanark, ML11 8LF	25.09.2019 25.09.2019
Karen and Murray Flett, 7 Kersewell Terrace, Carnwath, Lanark, South Lanarkshire, ML11 8TL	01.10.2019
Paul and Lynne Walker, 3 Warrack Close, Carnwath, Lanark, South Lanarkshire, ML11 8TD	01.10.2019
Miss Lauren Thompson, 22 Bertram House, Bertram Avenue, Lanark, ML11 8TB	09.09.2020 09.09.2020
Mrs Angela Murray, 1 Kerswell Terrace, Kaimend, ML11 8TL	26.04.2021
Mr Paul Cruickshank, 19 Kersewell Avenue, Kaimend, ML11 8LE	30.05.2021
Mr Christopher Chittock, Fairview, Kersewell Ave., Kaimend Carnwath, ML11 8LB	02.06.2021
Mr David Murray, 1 Kersewell Terrace, Kaimend, Carnwath, ML11 8TL	07.05.2021
Mr Alex Muir, 35 Woodside Crescent, Carnwath, Lanark, ML11 8LD	10.05.2021
Mr David Wills, 15 Finlayson Lane, Kaimend, ML11 8TA	12.05.2021
Mr Gareth Waters, Broomhill Lodge Kersewell Avenue Kaimend, Lanark, ML11 8LF	31.05.2021
Dr Professor Christopher McDermott, Shiloah, Kersewell, ML118LF	27.04.2021
Mrs Claire Hardie, Crarae, Kersewell Avenue, Carnwath, ML11 8LE	30.05.2021
Barbara Harding, Received Via Email	07.05.2021
Brian Lindsay, Received Via Email	22.07.2021

Contact for further information

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

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Phone: 01698 455174

Email: ian.hamilton@southlanarkshire.gov.uk

Conditions and reasons

01. That further applications shall be submitted to the Council as Planning Authority for the erection of individual dwellinghouses on the plots hereby approved, together with the requisite detailed plans and such plans shall include:-
- (a) Plans, sections and elevations of the proposed building together with the colour and type of materials to be used externally on walls and roof;
 - (b) Sections through the site, existing and proposed ground levels and finished floor levels;
 - (c) Detailed layout of the site as a whole including, where necessary, provision for car parking, details of access and details of all fences, walls, hedges or other boundary treatments; and,
 - (d) Existing trees to be retained and planting to be carried out within the site; and no work on the site shall be commenced until the permission of the Council as Planning Authority has been granted for the proposals, or such other proposals as may be acceptable.

Reason: To ensure that these matters are given full consideration.

02. That no trees within the application site shall be lopped, topped, pollarded or felled, or otherwise affected, without the prior written consent of the Council as Planning Authority.

Reason: In the interests of amenity and to ensure the protection and maintenance of the existing trees within the site.

03. 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 and the root system of neighbouring trees which encroach into the application site, 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 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.

04. Prior to the commencement of the development hereby approved, whichever is the sooner; full details of a tree planting scheme to replace trees to be removed to accommodate the development along with additional tree planting within the area shaded green on the Proposed Site Plan (Dr no: PL(00)004 Rev B), shall be submitted to and approved in writing by the Council as Planning Authority. This will include planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times.

Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works or five years of the carrying out of the tree planting scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

Reason: To enhance the natural heritage of the area.

05. That the approved tree planting shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following the completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

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

06. That before any work commences on the site, a scheme of landscaping for the area shaded 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. including, where appropriate, the planting of fruit/apple trees;
 - (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) proposals for the initial and future maintenance of the landscaped areas;
(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.

Reason: To ensure the appropriate provision of landscaping within the site.

07. That the approved landscaping scheme 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, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

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

08. That before any work commences on the site, a scheme for the provision of an equipped play area within the application site shall be submitted to the Council as Planning Authority for written approval and this shall include :
- (a) details of the type and location of play equipment, seating and litter bins to be situated within the play area(s);
 - (b) details of the surface treatment of the play area, including the location and type of safety surface to be installed;
 - (c) details of the fences to be erected around the play area(s); and
 - (d) details of the phasing of these works.

Reason: To ensure the provision of adequate play facilities within the site.

09. That prior to the completion or occupation of the last dwellinghouses within the development, all of the works required for the provision of equipped play area(s) included in the scheme approved under the terms of Condition 08 shall be completed, and thereafter, that area shall not be used for any purpose other than as an equipped play area.

Reason: To ensure the provision of adequate play facilities within the site.

10. The trees identified for removal shall be surveyed by a qualified ecologist to identify any species of wildlife affected and thereafter submit a survey report containing mitigation measures where required for approval of the Council as Planning Authority prior to any tree works taking place or the commencement of work on the approved development.

Reason: In order to minimise the impact upon wildlife.

11. That no dwellinghouses shall be occupied until the developer provides a written agreement from Scottish Water that the site can be served by a water scheme constructed to the specification and satisfaction of Scottish Water as the Water Authority.

Reason: To ensure that the development is served by a water supply.

12. That the approved drainage scheme shall be completed in accordance with the approved details prior to the commencement of work on any dwellings unless otherwise agreed in writing and prior to the occupation of any dwellings appendix E 'Confirmation of Future Maintenance of Sustainable Drainage Apparatus' of the

Council's Developer Design Guidance (May 2020) shall be submitted for approval by the Council as the Planning and Flooding Authority.

Reason: To ensure the timeous provision of a satisfactory drainage scheme.

13. That before any works start on site details of the treatment of foul drainage from the site shall be submitted for the consideration and approval of the Council as Planning Authority in consultation with SEPA. For the avoidance of doubt the scheme shall be capable of dealing with a population of a minimum of 200 persons. In addition evidence of agreement with adjoining landowners to discharge to the receiving watercourse shall be provided. The approved scheme shall be implemented before any of the dwellinghouses hereby approved are occupied.

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

14. That prior to work commencing on site a maintenance management scheme for the sewerage disposal scheme approved under condition 13 shall submitted to and approved by the Council as Planning Authority.

Reason: To ensure appropriate treatment and disposal of sewage effluent and surface water.

15. That the developer shall arrange for any alteration, deviation or reinstatement of statutory undertakers apparatus necessitated by this proposal all at his or her own expense.

Reason: In order to retain effective planning control.

16. That prior to the commencement of development, the applicant shall provide written confirmation from Scottish Water that the development does not affect their assets and if it does the applicant shall submit details for a diversion/relocation scheme approved by Scottish Water and that development shall not commence until the approved diversion/relocation scheme has been satisfactorily implemented.

Reason: To ensure that the development does not impact upon Scottish Water assets.

17. That all areas potentially affected by the proposed development shall be carefully surveyed by a suitably qualified person for badgers. If badgers are found to be in or around the development site, mitigation measures for their protection shall be put in place.

Reason: In order to ensure the protection of badgers.

18. That no permission is granted for the indicative house footprints as outlined on the approved site plan.

Reason: The house details have not been submitted or approved.

19. That no development shall commence on site until the applicant provides written confirmation from SEPA to the Council as Planning Authority that the site can comply with the Water Environment (Controlled Activities)(Scotland) Regulations 2005.

Reason: To ensure appropriate treatment and disposal of sewage effluent and surface water.

20. That the further application(s) required under the terms of Condition 01, shall make reference to and incorporate the criteria specified within the approved South Lanarkshire Council 'Residential Design Guide'.

Reason: In the interests of amenity and to ensure that the Council's key residential design standards are met.

21. That before the submission of any planning application for dwellinghouses on any of the plots hereby approved, a Development Brief shall be submitted to, and approved in writing by the Council as Planning Authority.

Reason: To ensure the future appropriate development of the site.

22. That unless otherwise agreed by the Council as Planning Authority before any development starts on site plans showing the upgrade of the existing access road (Kersewell Avenue) incorporating the upgrading of existing passing places and the formation of additional passing places (both to incorporate pedestrian refuges) and the provision of additional signage shall be submitted for the approval of the Council as Planning Authority. The approved details shall be implemented to the satisfaction of the Council before any of the houses hereby approved are occupied.

Reason: In the interest of road safety.

23. That before the development hereby approved is completed or brought into use, 1 no. parking space for 1-2 bedroom dwellings, 2 no. parking spaces for 3 bedrooms and for 4 or more bedrooms 3 no parking spaces (all individual parking spaces to be 3.0m x 6.0 modules) shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.

Reason: To ensure the provision of adequate parking facilities within the site.

24. Prior to commencement of development on site details of traffic calming measures shall be submitted for the approval of the Council as Planning and Roads Authority.

Reason: In the interest of road safety.

25. Prior to the commencement of development on site details of grit bin locations shall be submitted for the approval of the Council as Planning and Roads Authority.

Reason: These details have not been submitted.

26. That prior to any work starting on site, a programme indicating the phasing of construction of development, together with a Traffic Management Plan indicating the circulation of vehicles and pedestrians and how the road and services will be managed and delivered for the development as a whole prior to house construction commencing, shall be submitted to the Council as Planning Authority for approval. The approved details shall be implemented throughout the period of the development of the site.

Reason: In the interests of road safety.

27. That before the development hereby approved is completed or brought into use, a visibility splay of 2.5 metres by 90 metres measured from the road channel shall be provided on both sides at the junction of the access road with Kersewell Avenue and everything exceeding 0.9 metres in height above the road channel level shall be

removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of traffic and public safety.

28. An area for staff to park during construction should be created within the application site boundary and under no circumstance shall vehicles associated with the construction site park outwith the application site boundary unless otherwise agreed in writing by the Council as Planning and Roads Authority.

Reason: In the interests of road safety and to ensure traffic flow is not disrupted and local residents inconvenienced.

29. Prior to the commencement of development a delivery route shall be submitted and approved by the Council. A road survey shall be undertaken by an independent consultant to establish the condition of the private road and any structures that form Kersewell Avenue. A final road survey shall be undertaken within 1 month of the completion of each dwellinghouse hereby approved or if the construction phase takes longer than one year then a survey of the road condition shall be undertaken every year construction works are undertaken and shall include recommendations in respect of the requirements for any repairs to Kersewell Avenue. Any damage to Kersewell Avenue identified by the independent consultant as being attributable to the construction vehicles or traffic arising from the development hereby approved shall be repaired within three months of the completion of the final dwellinghouse, or every year if construction works exceed 1 year, unless otherwise agreed by the Council as Planning Authority. The initial and final road surveys shall be submitted for the consideration of the Council as Planning Authority.

Reason: In the interest of road safety.

30. That prior to the commencement of work on site written details of a scheme for the future maintenance of Kersewell Avenue, including associated verge, passing places and traffic calming shall be submitted for the written approval of the Planning Authority. The submitted scheme shall include a maintenance and management schedule and shall be implemented prior to the occupation of any dwelling within the development. Thereafter Kersewell Avenue shall be maintained in accordance with the approved details at all times.

Reason: To ensure that the additional dwellings contribute to the maintenance of Kersewell Avenue.

31. That before any of the dwellinghouses hereby approved are occupied, a drainage system capable of preventing any flow of water from the site onto any road or neighbouring land, or into the site from surrounding land shall be provided and maintained to the satisfaction of the Council as Roads and Planning Authority.

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

32. The developer shall ensure that any vehicle transporting excavated material on or off the site must be treated by means of adequate wheel washing facilities. The facility will require to be in operation at all times during earth moving operations. The wheel washing facility shall be fully operational prior to works commencing on site. A "clean zone" shall be maintained between the end of the wheel wash facility and the public road. Furthermore the developer shall ensure a road brush motor is made available

throughout the construction period to ensure adjacent roads are kept clear of mud and debris.

Reason: In the interests of road safety.

33. That before the development hereby approved is completed or brought into use, the first two metres of the driveways shall be so trapped and finished in hardstanding as to prevent any surface water or deleterious material from running onto or entering the road.

Reason: In the interests of traffic safety and to prevent deleterious material being carried onto the road.

34. That no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Council as Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Council as Planning Authority in agreement with the West of Scotland Archeology Service.

Reason: In order to safeguard any archaeological items of interest or finds.

35. That before any development commences on site, details of facilities for the storage of refuse within the site, including design, location, external finishes and access for its uplift, shall be submitted to and approved in writing by the Council as Planning Authority. No dwelling unit shall be occupied until these facilities have been provided in accordance with the approved scheme or such alternative as may be agreed in writing with 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.

36. Prior to development commencing on site, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.

Reason: To minimise the risk of nuisance from dust to nearby occupants.

37. Prior to commencement of the development hereby approved, details of measures to facilitate the provision of full fibre broadband to serve the development, including details of appropriate digital infrastructure and a timescale for implementation, shall be submitted to and approved in writing by the Council as Planning Authority, unless otherwise agreed in writing with the applicant. The approved measures shall thereafter be carried out in accordance with the agreed implementation timescale.

Reason: To ensure the provision of digital infrastructure to serve the development.

38. That prior to the commencement of works, details and locations of charging points for electrical cars, at a rate of one charging point per house plot, shall be submitted for the written approval of the Council as Planning Authority. Prior to the completion of the development the approved charging points shall be installed, available for use and thereafter maintained and replaced where necessary to the satisfaction of the Council.

Reason: To ensure facilities for recharging electrical cars are available for the use of the residents.

39. Prior to the commencement of development on site, an energy statement covering the new build element of the approved development which demonstrates that on-site zero and low carbon energy technologies contribute at least an extra 10% 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 10% 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

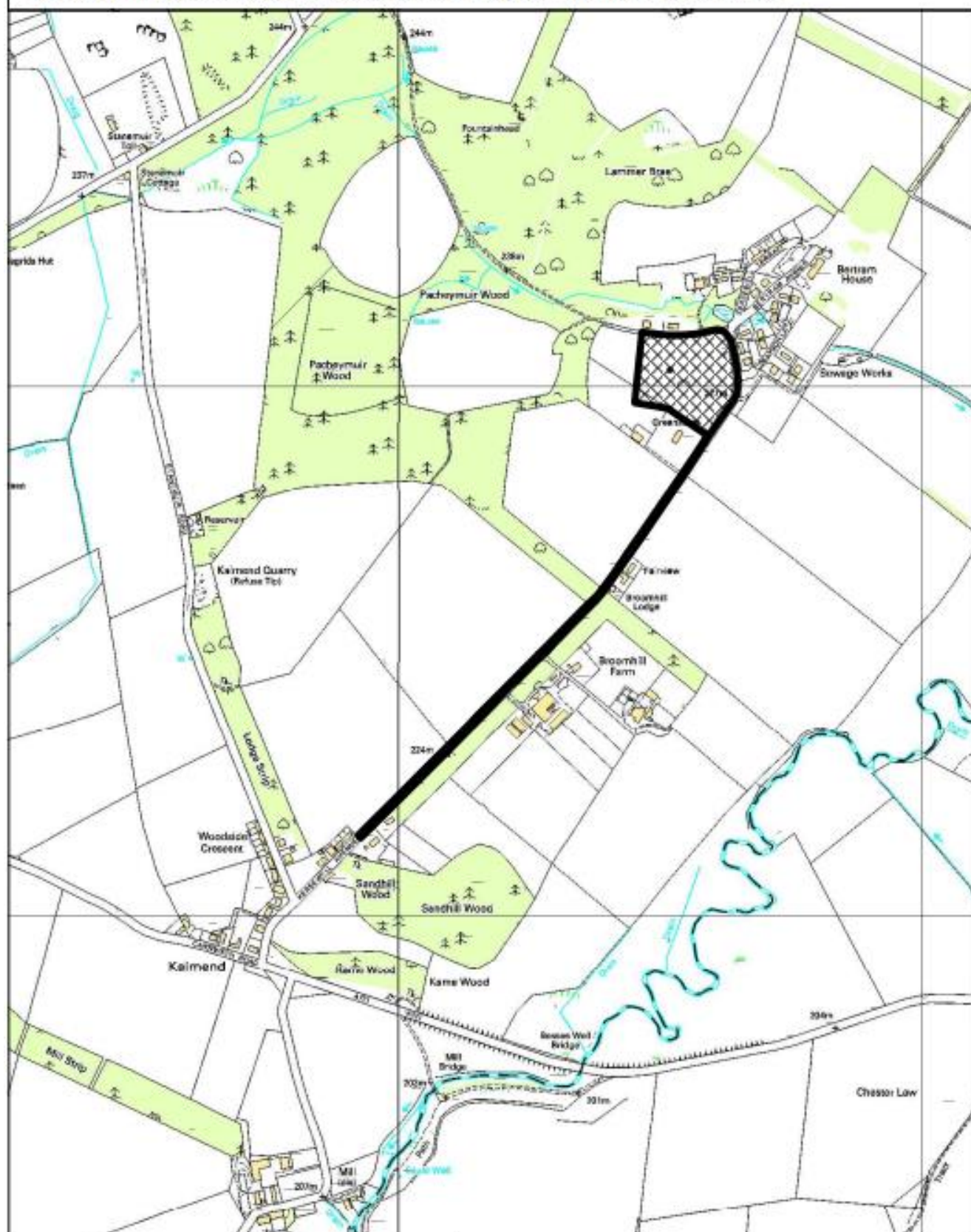
d) a maintenance programme for the on-site zero and low carbon energy technologies to be incorporated.

Reason: To secure a reduction in carbon dioxide emissions.

40. 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.

Reason: To secure the timeous implementation of on-site zero and low carbon energy technologies.

Land 130M North of Greenacres access for Kersewell College from A70 to Kersewell Avenue



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Scale:
1:10,000

Date:
27/05/2022



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development