



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

To : **Kersewell plc**
Kersewell Mains
Kersewell Estate
Carnwath
ML11 8LG

Per : **HolderPlanning**
5 South Charlotte Street
Edinburgh
EH2 4AN

With reference to your application dated 14 November 2013 for a further application under the above mentioned Act :

Description of Proposed Development :

Section 42 Application for a Variation of Condition 2 of Planning Permission in Principle CL/05/0439 to extend period for the submission of the first application for the Approval of Matters Specified in Conditions by a further three years with the submission of the Final Application for the Approval of Matters Specified in Conditions within 10 years.

Site Location :

Kersewell Estate
Carnwath
ML11 8LG

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

GRANT FURTHER APPLICATION

for the above development in accordance with the plan(s) specified in this decision notice and the particulars given in the application, subject to the condition(s) listed overleaf in the paper apart. The condition(s) are imposed by the Council for the reasons detailed.

Date: 12/02/14

Michael McGlynn, Head of Planning and Building Standards Services

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

Planning and Building Standards Services

Further application

PAPER APART - APPLICATION NUMBER: CL/13/0455

CONDITIONS

- 1 That unless otherwise agreed by the Council as Planning Authority prior to the submission of any applications for the approval of matters specified in conditions (as required by condition 2 below), a masterplan application shall be submitted for the approval of the Council as Planning Authority. The masterplan shall include the following details:
- the location of individual development phases and details of the forms and uses of development within each phase ;
 - the layout of the site including all roads, footways, cycle ways, car and cycle parking and servicing areas;
 - the location of woodland and public open spaces;
 - opportunities for the protection and enhancement of the Green Network including links to the wider countryside by means of walking, cycling and horse riding.

It shall be accompanied by the following supporting information:

An updated Transport Assessment;

" A phasing plan;

" A design framework that shall consider and provide an explanation for the proposals in terms of the following;

- layout, streets and spaces, accessibility, safety and security, sustainability and energy efficiency;

- Impact on the landscape;

- Scale, density and mix of each of the development phases;

- Design, massing and materials;

- Maintenance including details of arrangements for landscaping, drainage and open space;

" A phase 1 ecology and habitat survey regarding otters, bats, water voles, badgers, breeding and nesting birds, black grouse and leks and other protected species and proposed mitigation and/or precautionary works to protect such species;

" a waste management plan;

" a woodland management and maintenance strategy;

" a Drainage Assessment and strategy (incorporating sewerage disposal and surface water drainage) and Flood Risk assessment

" A strategy for the supply of water

" an archaeological mitigation strategy

" A habitat management and construction strategy

Any subsequent revisions to the masterplan (including the supporting information listed above) shall be submitted for the approval of the Council as Planning Authority.

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- 2 That unless otherwise agreed by the Council, before development starts on any part of each individual development phase, further applications shall be submitted to and approved in writing by the Council as Planning Authority in respect of the following matters specified in this condition in that phase, and all of which shall accord with the general principles set out in the approved masterplan required under condition 2 above:

" the precise location, scale and quantity of individual uses;

" the siting, design, massing, height and external appearance of all buildings and other

structures;

" the means of access to the site;

" the layout of the site including all roads, footways, cycle ways, servicing and parking areas;

" details of existing and proposed site levels;

" the provision of drainage works and the disposal of sewage and;

" a landscaping plan incorporating details of the hard and soft landscaping, which shall include

- details of ground preparation works

- existing and finished ground levels

- a plan indicating the existing trees on site, and a report detailing height, species, base level and condition and whether they will be lopped, topped, felled or retained

- layout and design, including walls, fences and gates.

- the location, species number, density and size of new trees, shrubs, and hedges.

" The maintenance of landscaping within each phase

" The supply of water

" The treatment of surface water

3 Unless different specifications arise as a result of the updated Transport Assessment required under condition 1 above then the masterplan application above shall include provision for:

(a) a 2 metre wide footway along the entire A70 site frontage with a pedestrian crossing point linking this to the existing footways;

(b) a visibility splay of 9 metres by 215 metres at the northern access point with a right hand storage lane designed to comply with the Design Manual for Roads and Bridges;

(c) vehicular access shall be solely restricted from the A70 to the northern access point with the central and southern accesses closed to traffic;

(d) the access onto the A70 shall be 7.3 metres wide;

(e) the A70/Stanemuir Road junction improvements resulting in a 9 metres by 215 metres visibility splay to the right;

(f) a drainage system capable of preventing any water from flowing onto the public road or into the site from surrounding land, provided and maintained at the applicants expense; and

(g) the submission of a Travel Plan to encourage public transport and reduce reliance on private cars.

4 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.

5 That unless otherwise agreed by the Council as Planning Authority before the commencement of work on site the management practices for the use of pesticides, herbicides and fertilisers within the proposed golf course and other landscaped areas shall be submitted to and approved by the Council as Planning Authority in consultation with

SEPA.

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- 6 That unless otherwise agreed by the Council as Planning Authority, the further applications for the approval of matters specified in conditions (as required by condition 2 above) shall include a survey and assessment of the impact of the proposed development upon the hydrology, habitats and ecology of all water courses within the site shall be carried out by a suitably qualified person and submitted to the Council as Planning Authority in consultation with SEPA and SNH. The report shall fully consider the impact upon aquatic plants, fish, amphibians, invertebrates and birds and mammals with habitats alongside watercourses with particular regard given to water voles, otters, Kingfishers, Sandmartins and common water-crowfoot. Any mitigation that is recommended by this report to minimise impacts upon the hydrology and ecology of water courses shall be implemented to the entire satisfaction of the said Authority.
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- 7 That unless otherwise agreed by the Council as Planning Authority, the further applications for the approval of matters specified in conditions (as required by condition 2 above) shall include a survey by a suitably qualified person for any species and habitat which receives statutory protection, particularly for badgers, otters, bats, water voles, breeding and nesting birds, black grouse and leks. A report on the outcome of the survey including, if such species or habitats are found to be in or around the development site, mitigation measures for their protection shall be submitted for the consideration and approval of the Council. Any mitigation that is recommended by this report to minimise impacts upon the hydrology and ecology of water courses shall be implemented to the entire satisfaction of the said Authority.
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- 8 That unless otherwise agreed by the Council as Planning Authority, the further applications for the approval of matters specified in conditions (as required by condition 2 above) shall include a Phase 1 or Desk Study, to review all currently available information about the historical uses of this site, shall be carried out to determine any types of contamination likely to be encountered and possible pathways to sensitive receptors shall be submitted to and approved by the Council as Planning Authority. If this investigation gives any indication of the potential for contaminants to be present, development shall not begin until a full intrusive survey has been carried out and its findings submitted to and, approved by the Council as Planning Authority. This survey shall clearly document the methodology, findings and results. The risks posed by the presence of pollutants in relation to sensitive receptors shall be assessed to current guidelines and, where appropriate recommendations for further investigations or remediation options to reduce these risks identified.
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- 9 That the use of the tourist accommodation hereby approved shall be restricted to holiday occupation only and shall not be let or used as the sole residence of any one person, family or group. No individual, family, company, group or any other type of occupant shall occupy the accommodation for more than 12 weeks in any calendar year.

REASONS

- 1.1 These details have not been provided or approved.
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- 2.1 These details have not been provided or approved.
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- 3.1 In the interest of public safety.
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- 4.1 To ensure the protection and maintenance of the existing mature trees within the site

5.1	In the interests of pollution control.
6.1	To minimise the impacts on the hydrology and ecology of water courses which cross the application site.
7.1	To minimise risk to protected species and habitats and to ensure legal compliance with the requirements of the Protection of Badgers Act 1992, Wildlife and Countryside Act 1981, Nature Conservation (Scotland) Act 2004 and Conservation (Natural Habitats & c) Regulations 1994.
8.1	To ensure the site is free of contamination and suitable for development.
9.1	To ensure that the economic benefit of this tourism development is not lost by the accommodation becoming occupied by long term or permanent residents and to ensure compliance with local plan policy

REASON(S) FOR DECISION

- 1 The proposal complies with Policies STRAT 4, CRE 2, ENV 34, ECON 9 and ECON 12 of the adopted South Lanarkshire Local Plan and Policies 1 2, 3, 4 and 7 of the Proposed South Lanarkshire Local Development Plan and associated Supplementary Guidance: Place Making and Design. The revised conditions reflect current circumstances and legislation.**

NOTES TO APPLICANT

APPLICATION NUMBER: CL/13/0455

Important

The following notes do not form a statutory part of this Decision Notice. However, it is recommended that you study them closely as they contain information which guides you to other relevant matters that may assist in ensuring that the development is properly carried out.

- 1 Failure to comply with the conditions imposed on this planning permission can result in the planning authority serving a Breach of Condition Notice and/or Enforcement Notice. If any of the requirements set out in these notices are not then complied with, a fixed penalty notice may be served seeking the payment of the sum specified in the penalty notice to the Planning Authority. The sum will be as set by The Town and Country Planning (Amount of Fixed Penalty) (Scotland) Regulations 2009.
- 2 The person carrying out the development must give advance notice in writing to the planning authority of the date when it intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action. [See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)]
- 3 As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position [See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)]
- 4 The development hereby permitted shall be commenced, either within five years of the date of this permission, or within two years of the date on which on which any of the matters specified in conditions are approved, whichever is the later.

Approval of the further specified matters can be made for -
(i) different matters, and
(ii) different parts of the development
at different times.

If an application for approval of specified matters was refused or dismissed on appeal, then one application for further approval of the same matters can be made after 3 years, but only if within 6 months of the date of refusal or refusal of appeal decision.

- 5 This decision relates to drawing numbers: Site Boundary.
- 6 That within three years of the date of this permission, the first of the applications for the approval of matters, specified in the conditions, shall be made to the Planning Authority, and that application for approval of all matters shall be made within 10 years