

	<h1>Report</h1>	Agenda Item <h1>3</h1>
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Report to:	Planning Committee
Date of Meeting:	10 March 2009
Report by:	Executive Director (Enterprise Resources)

Application No	CL/08/0499
Planning Proposal:	Erection of Four Dwellings

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mr & Mrs John Fraioli
- Location : Cornhill House Hotel
Coulter
Biggar
ML12 6QE

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 the Conditions Listed)

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) The application is contrary to the Development Plan and objections have been received. In accordance with Council Procedures, a hearing may be required prior to determining the application.
- (3) Prior to planning permission being issued, a Section 75 Agreement and a Standard Security requires to be concluded to ensure the transfer of money from the sale of the land for residential development to finance the restoration and conversion of the Court of Offices and control the phasing of those works and the erection of the houses proposed.
- (4) Authority is sought from Committee for a Tree Preservation Order (TPO) to cover all trees and woodlands within the grounds of Cornhill House.

3 Other Information

- ◆ Applicant's Agent: Alex Cullen & Co.
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): **Upper Clydesdale Local Plan (Adopted 1996)**
 - Policy 3: Existing and Proposed Housing – Location, Sitting and Design Standards
 - Policy 72: Remoter Rural Area – Area of Restricted Development

- Policy 76: Scenic Area
- Policy 103: Existing Hotels

Finalised South Lanarkshire Local Plan – (As Modified)

- STRAT4: Accessible Rural Area
- Policy CRE1: Housing in the Countryside
- Policy ECON9: Tourism Development
- Policy ENV4: Protection of the Natural and Built Environment
- Policy ENV28: Regional Scenic Area and Areas of Great Landscape Value
- Policy ENV33: Development in the Countryside
- Policy DM1: Development Management
- Policy ENV11: Design Quality.

◆ Representation(s):

▶	13	Objection Letters
▶	0	Support Letters
▶	0	Comments Letters

◆ Consultation(s):

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

Scottish Water

Biggar & District Civic Society

Biggar Community Council

Scottish Natural Heritage

Historic Scotland

Roads and Transportation Services (South Division)

Land and Fleet Services (Arboriculture)

Planning Application Report

1 Application Site

- 1.1 The application site (0.6 ha) falls within the grounds of Cornhill Hotel, approximately 3 km to the south west of Biggar. The site is adjacent to an avenue of mature Lime trees and a private road providing access to nine existing houses known as Cornhill Grove to the south west of the site. This road passes Cornhill Farm to the east via Cornhill Road, a minor road which links onto the A72 to the north.
- 1.2 The application site appears historically to be an open area which has subsequently been self seeded with trees and scrub of limited value. The boundaries edges comprise of large mature trees.
- 1.3 The application site is bounded to the west by policy woodland attached to Cornhill House, to the north by agricultural fields and policy woodland, to the east by agricultural fields and to the south by the access road. Cornhill House Hotel lies 200 m to the west beyond the policy woodland.

2 Proposal(s)

- 2.1 The applicant seeks detailed consent for 4 detached dwellings situated around a small cul-de-sac linked onto the access road and avenue of lime trees. The five bedroom houses incorporate an integral garage and games room. Externally, the design features dormers, steep roof pitches and timber barge boards. It will be finished in wet dash render and slate or slate substitute.
- 2.2 To accommodate the development the poor quality scrub will be removed from the central area along with one of the limes in the avenue to allow the formation of the access. Mature trees around the boundaries will be retained and complemented with additional tree planting. An Arborticultural Impact Study detailing tree removal, retention and planting and long term woodland management has been submitted as a supporting document. A bat and badger survey has also been submitted.
- 2.3 The applicant has presented a business case justifying the proposal as enabling development to cross finance the conversion of the B-listed Court of Offices which adjoin the hotel into additional bedroom space which is an important element of the continuing development of the hotel. Applications for detailed planning consent (CL/08/0500) and Listed Building consent (CL/08/0483) covering the conversion will also be considered at this committee.

3 Background

3.1 Relevant Government Advice

- 3.1.1 Policy SPP3: Planning for Homes states where possible, most housing requirements should be met within or adjacent to existing settlements. However, the document also establishes that in some rural areas, new housing outwith existing settlements may have a part to play in economic regeneration. Policy SPP15: Planning for Rural Development states the formation of some new businesses can depend on having new build or conversion housing, for sale or rent, providing early funding. New housing should visually integrate with the landscape and avoid adverse impacts upon the natural heritage.

3.2 Local Plan Status

- 3.2.1 In the adopted Upper Clydesdale Local Plan the relevant Policies are 72: Remoter Rural Area – Area of Restricted Development, 76: Scenic Area and 103: Existing Hotels. The site is identified as lying within the Remoter Rural Area. The area around Biggar is defined as a Area of Restricted Development so that the aims of Policy 72 apply. This states that isolated house building will not generally be permitted unless it is shown to be necessary in the interests of agriculture, horticulture or other uses appropriate to the rural area. The site is also in the Scenic Area where Policy 76 states the Council will exercise strict control over development to ensure the special quality of the countryside is maintained. Policy 103 recognises the relative importance of hotels in Upper Clydesdale for visitors and locals and shall seek to protect and enhance the setting or surroundings of hotels to safeguard the viability of existing units and strongly supports incentives for upgrading of hotels particularly in respect of the provision of private facilities.
- 3.2.2 In the Finalised South Lanarkshire Local Plan – As Modified there are several relevant policies which apply in respect of this proposal. The site is within the Accessible Rural Area where Policy STRAT4 advises that development will be directed to within settlements and that isolated and sporadic development will generally not be supported. New building development outwith settlement boundaries will only be permitted where this forms part of a large proposal for the rehabilitation or change of use of disused or redundant traditional buildings where this consolidates such groups. In addition, new build development, unrelated to the rehabilitation or change of use of disused or redundant traditional building groups may be acceptable on gap sites within existing building groups. Any housing development within the Accessible Rural Area should also conform to Policy CRE1: Housing for the Countryside which states that new housing in the countryside will not normally be permitted other than for a number of circumstances. These relate to the erection of a house for an agricultural worker, associated within a new or associated business the re-use of an existing building or a replacement building.

Policy ECON9: Tourism Development states the Council will support proposals to develop and expand tourism where it is consistent with the objectives of the local plan.

Policy ENV4: Protection of the Natural and Built Environment states that the Council will assess all development proposals in terms of their effect on the character and amenity of the natural and built environment. The Council will seek to safeguard Regional Scenic Areas within which the site is located. Developments will only be permitted where the integrity of the protected resource will not be undermined.

Policy ENV28 states that within the Regional Scenic Area and Areas of Great Landscape Value development will only be permitted if it satisfies the requirements of STRAT4 and can be accommodated without adversely affecting the overall quality of the designated landscape area.

Policy ENV33: emphasises the need to respect the existing landscape and avoid adversely interfering with existing view in and out of the site. Suburban styles and solutions shall be avoided. Energy efficient designs and sustainable use of materials which contribute to sustainable development will be encouraged.

Policy DM1: Development Management aims to avoid detrimental impacts upon visual and environmental amenity and that the proposal should respect the local context.

Policy ENV11: Design Quality encourages good quality developments which enhance the character of the area and adheres to the principles of sustainability.

3.3 **Planning History**

- 3.3.1 In July 2005 Planning Permission CL/04/0156 was granted for 9 dwellings after a Section 75 agreement was concluded to ensure that money from the sale of the land was used to finance the function suite extension to Cornhill House Hotel plus remedial works to the Court of Offices. In 2000 planning CL/00/0241 and Listed Building CL/00/0242 consents were granted to form a function suite to the rear of the hotel. The function suite has now been built. In addition, the Court of offices have been made wind and watertight in accordance with the requirements of the Section 75 Agreement.

4 **Consultation(s)**

- 4.1 **Scottish Water** – does not object however they have advised that the Coulter Water Treatment Works has limited capacity available for new demand.

Response: Noted. It is intended that the proposed houses will be served by a septic tank.

- 4.2 **SEPA** – advise that they have discussed a foul drainage strategy with the applicants and have agreed in principle to the proposed new septic tank to serve the development. A Sustainable Urban Drainage System (SUDS) is recommended.

Response: Noted. Approval of details for the sewerage disposal system and the requirement for SUDS can be covered by condition if consent is granted.

- 4.3 **Roads and Transportation Services** – as this site is now over the threshold for adoptable roads the site would normally need to be served by an adoptable road. However due to the necessity to preserve the listed building by way of financial assistance from the development, and the environmental issues incurred by road improvements in this predominantly sensitively woodland area Roads consider an exception can be made in this case although this is the final relaxation which will be accepted at this location. Although visibility does not meet standards because of existing geometry, traffic speeds and the modest increase in traffic flows from the proposed development means that the sightlines are acceptable. Inter-visible passing places should be provided along the full length of the existing access. A drainage system capable of preventing any water from flowing into the public access road into the site from surrounding land to be provided and maintained by the developer.

Response: Noted. The requirements for passing places and drainage can be covered by condition if consent is granted.

- 4.4 **Arboriculture Manager** - the woodland surrounding the site consists of high amenity broadleaved tree cover of mixed species including Beech, Oak, Ash, Lime, Birch, Horse Chestnut and associated Elm. Some evergreen cover including Scots Pine, Ipcress and Yew is also present. Overall there is no doubt the grounds are worthy of protection although it is noted individually much of the tree cover is in need of attention and will require remedial work from minor deadwood removal to major fell of hazardous trees. A full condition assessment is required to identify this prior to promoting the TPO.

Response: None of the mature trees are proposed to be felled other than a lime at the proposed access point onto the site. A number of self seeded trees would also be removed but they are of poor quality and also do not contribute to the amenity of the area. I propose promoting a TPO and incorporating a woodland management

plan as a condition if consent is granted to ensure the long term maintenance of the woodland as an entity. A TPO will not inhibit or prevent necessary remedial treatment and therefore there is no need to await the outcome of an assessment study before initiating a TPO.

- 4.5 **Historic Scotland** – no response received to date.

Response: Noted.

- 4.6 **Biggar Civic Trust** – no response received to date.

Response: Noted.

- 4.7 **Biggar Community Council** – no response received to date.

Response: Noted.

- 4.8 **SNH** – Having considered the bat and badger survey submitted with the application, they advise that they have no objections subject to additional bat surveys and badger protection measures detailed in the survey being incorporated as conditions.

Response: These matters can be covered by conditions if consent is granted. It should be noted that the survey found no evidence of bats or badgers within the site.

5 Representation(s)

- 5.1 In response to a Development Potentially Contrary to the Development Plan advert in the local press and neighbour notification, 13 letters of objection from 6 parties have been received. The issues raised are summarised as follows:

(a) Increase in the amount of traffic using the access road which is already used by large numbers of hotel staff and their patrons will result in hazardous road conditions. Any further increase will make it harder for Cornhill Farm to move cattle and sheep across the road.

Response: The proposal involves the construction of 4 dwellings which will result in a negligible growth of traffic along the access road. If consent is granted I intend placing a condition restricting use of the access by hotel staff and patrons.

(b) Will result in the clearance of trees and a variety of flora and fauna.

Response: Most of the trees identified for removal are of limited amenity value, A woodland management proposal for the Cornhill house grounds has been submitted which identify Nature Conservation measures including selective thinning to encourage natural ground floor and control of invasive species. Although the application site will be directly affected the woodland management proposals will enhance nature conservation objectives for the remaining hotel grounds. A condition can be applied to ensure the implementation of the woodland management plan.

(c) Adverse impact upon birds and mammals.

Response: A wildlife survey has been carried out which concludes no adverse impacts subject to measures recommended in the report. SNH has no objections to the application subject to recommendations in report being incorporated as conditions.

(d) The current drain that serves the existing development will not be able to cope with the additional development. There are not sufficient septic tanks in place to allow for another 4 houses.

Response: The drainage consultants acting for the applicant have developed a drainage strategy based on septic tank treatment with effluent from the tanks being discharged to the River Clyde via the outfall that conveys effluent from the hotel

treatment plant together with surface water. SEPA has no objection to the drainage proposals.

(e) There is no need for extra housing at this location as nearly half the houses at Cornhill Grove remain unsold. This is the second time a development has been justified as enablement to support the hotel business.

Response: The applicant has sought to justify the new houses on the basis that the capital raised by selling the land will be used to refurbish the Court of Offices. The role of planning is to assess the appropriateness of the proposal in relation to its surroundings as well as considering the economic and heritage benefits to the local community and tourism in facilitating the expansion of the hotel and securing the future of a B listed building at risk. The applicant has submitted a justifying business case for consideration based on difficulties in securing necessary finance.

(f) The plans are out of date as they do not show the Muir Homes Development.

Response: Amended plans have been submitted detailing the Muir Homes development.

(g) Adverse road conditions, lack of footways, insufficient visibility and resultant increase in traffic raise public safety concerns.

Response: Roads and Transportation Services have not objected or raised any public safety concerns. Conditions can be applied requiring suitable passing places along the access road and restrictions on its use.

(h) Rights of access would be damaged.

Response: The access is a private road and therefore it is the responsibility of everyone who has a legal right of access over it to ensure that it is properly maintained.

(i) The farm road in the block plan is incorrectly shown as bending away from the private road whereas in reality it runs parallel.

Response: A location plan has been submitted showing the correct alignment of the farm track. Notwithstanding the position of the farm track is not a material impact upon the development.

(j) The cumulative loss of trees taking account of tree felling to accommodate previous development would impact upon landscape character.

Response: As previously stated direct tree loss associated with this proposal would be restricted primarily to the central area of the site where the trees are of limited value. Further it is the intention to promote a TPO and woodland management covering trees within the curtilage of Cornhill House to ensure long term continuous tree cover.

(k) The development will cause artificial light pollution in a previously dark area and will adversely affect the amenity of the existing residents.

Response: The light from the development will be largely minimised by the presence of large boundary trees. Also, as there is no need to bring the road up to an adoptable, standard street lighting will not be necessary.

(l) Cutting of electricity supply and water to Cornhill Farm and blocking of access for farm activity.

Response: These are legal issues however the applicant has given an assurance to the proprietors of Cornhill Farm that access to their fields would not be compromised.

Further the occasions when water and electrical supply has been interrupted action has been taken, by the hotel to reconnect.

(m) Impact upon power supply.

Response: It is the responsibility of the service provider to ensure that the power supply will not be affected by an additional four dwellings.

(n) Impact upon the avenue of lime trees

Response: Only one tree will be removed from this group of trees to create the access point. As mentioned previously Committee approval is sought for its protection by means of a TPO.

(o) Residential amenity would be affected by noise and overlooking.

Response: The proposed houses face in towards a small cul-de-sac and are closely bounded by trees. In such circumstances overlooking should not affect the nearest residents. In addition, noise generated by the proposal will be negligible.

(p) Following planning consent the applicant will have to start work on the conversion immediately leading to unsustainable borrowing.

Response: Under current planning legislation an applicant has five years to start a development after planning permission has been granted.

(q) The proposal is contrary to the local plan as the site is isolated, within the Scenic Area, does not consolidate an existing group of buildings and contravenes the principle of sustainability.

Response: The proposal does contravene a number of policies in the adopted and finalised local plans. An assessment of whether there is mitigating circumstances to justify a departure from the local plan is found in Section 6 below.

These letters have been copied and are available for inspection in the usual manner.

6 Assessment and Conclusions

- 6.1 The application seeks detailed consent for 4 detached dwellings, within the vicinity of Cornhill House Hotel. The main determining issue is whether the proposal complies with the development plan, and, if not, whether there are any material planning considerations that outweigh the provision of the plan.
- 6.2 The application site is within an Area of Restricted Development in the Remoter Rural Area where Policy 72 of the Upper Clydesdale Local Plan restricts house building unless necessary for agriculture, forestry or other uses appropriate to the rural area. The four houses are not required for the aforementioned purposes and as such the proposal fails to comply with Policy 72 and is contrary to the adopted local plan. In terms of the finalised local plan (as modified) the site is within the Accessible Rural Area. Policy STRAT4 of the Finalised Local Plan discourages new house building outwith settlements unless it forms part of a proposal for the change of use of a redundant traditional building where this consolidates such groups; gap site development may also be acceptable. Although linked to the conversion of a traditional building this proposal is on a site isolated from other building groups and therefore does not constitutes consolidation nor development on a gap site. Therefore the proposal contravenes Policy STRAT4. As the proposed houses are not required for occupation of workers associated with agriculture or a business appropriate to a rural setting; as replacement dwellings or involves conversion of existing buildings when in this instance it contravenes Policy CRE1.

- 6.3 As a result of the above, a justification for the new houses must be provided. Policy 103 of the Upper Clydesdale Local Plan supports incentives for upgrading of hotels. In addition, Policy ECON9 of the finalised local plan similarly provides support for the development of tourism. Policy STRAT4 covering the Accessible Rural Area recognises the areas tourism potential. Over the years the applicant has made considerable investment in the hotel business through the major refurbishment of the B-listed Cornhill House and erection of a function suite in order that the hotel can be marketed as a venue for weddings, functions etc. At present there are only nine bedrooms which is insufficient to meet demand. Additional bedroom space would be accommodated through the conversion of the Category B Listed Court of Offices adjacent to the hotel. These proposals are subject to separate applications on this agenda.
- 6.4 The applicant has provided information that shows the conversion of the Court of Offices which is integral to the continued development of the hotel is not feasible due to the additional costs of upgrading the building to a high standard reflecting its Listed status. Therefore this application for four dwellings has been submitted as a means of enabling that development. The owners of the hotel have agreed that they would be willing to enter a Section 75 Legal Agreement to ensure that funds generated from the sale of the land would be used to fund the conversion. Policy in the adopted and finalised local plans strongly advises that the Council should support incentives for the upgrading of hotels. As outlined above, approval of the application would enable the hotel to increase the number of bedrooms which would be of benefit to the local economy and the expansion of tourism in the area. In view of this I am satisfied that the proposal complies with the aspirations set down in Policies 103 and ECON9.
- 6.5 Notwithstanding the above, the site must be suitable for new housing in respect of the impact on the amenity and character of the area. Policies 76 of the adopted Local Plan and ENV4 and ENV28 of the Finalised Local Plan aim to protect landscape quality of the designated Scenic and Regional Scenic Areas. Given the location of the site which is visually contained by mature trees and woodland which will be enhanced by further planting, the proposal would have no adverse impact on the visual amenity of the countryside. Therefore in those circumstances the aforesaid policies would not be compromised. I am also satisfied the proposal would not have an adverse impact on the setting of Cornhill House.
- 6.6 In the Finalised South Lanarkshire Local Plan – (as Modified) Policies ENV11, ENV3 and DM1 encourage high quality development which respect the local surroundings, landscape, avoiding impinging upon views in and out of the site, discourage suburbanisation and adhere to the principles of sustainability. The development will be visually contained by woodland and in the context of the wider environment will be relatively inconspicuous. The settings and character of Cornhill House and the Court of Offices will be unaffected and intervisibility will be limited by the visual screening afforded by the tree cover. The houses in terms of roof pitch, fenestration and materials adhere to criteria contained in the Design Guide for new housing in the countryside. Conditions can be applied ensuring the incorporation of renewable energy/energy efficiency measures while the proposal complies with the Council's guidelines on new residential development. Finally, a number of objections from existing residents have been received but after careful consideration of the impact on their amenity, I am satisfied there will be no adverse effect.
- 6.7 This proposal will help secure finance for the restoration of the Court of Offices which will be converted into additional guest bedrooms ancillary to the hotel. The restoration will bring back into beneficial use an important historic building whilst

being integral to the business development of the hotel thereby securing its long term viability and important contribution to the local economy. In considering the economic benefits and the fact that access and infrastructure do not present problems and the site is suitably screened by existing and proposed tree belts, I recommend that planning permission be granted. The recommendation is subject to a Section 75 Agreement and Standard Security being concluded between the owners of the hotel and the Council, to ensure that monies generated from the sale of the land are used for the conversion of the Court of Offices. The predominant surrounding landscape feature is woodland and in view of the significance in terms of the character of the area it is recommended that a TPO be authorised to protect the woodland and trees.

6.8 The application was advertised as being potentially contrary to the local plan and, after a thorough assessment, I am of the opinion that detailed planning consent be granted and a departure can be justified for the following reasons.

- The site is adequately accessed and there are no known infrastructure problems.
- The proposed housing would be self contained within mature woodland and as such would not be readily visible from the surrounding road network or within the grounds of Cornhill House Hotel. There would be no adverse impact on the rural character of the area or the setting of Cornhill House.
- The sale of the land will finance the conversion of the Court of Offices and increase the number of bedrooms. This will provide benefits for the local economy and help develop tourism in the area.
- The sale of the land will finance the sensitive and high quality the restoration of the Category B listed Court of Offices building.
- There would be no adverse impact on residential amenity.
- There would be no adverse effect on habitats within the site and the woodland will be subject to long term management.

7 Reasons for Decision

7.1 For the reasons set out in paragraph 6.8 above.

Iain Urquhart
Executive Director (Enterprise Resources)

2 March 2009

Previous References

♦ CL/04/0156

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations
 - Scottish Water 09/09/2008
 - S.E.P.A. (West Region) 02/10/2008
 - Roads and Transportation Services (South Division) 05/11/2008
 - Scottish Natural Heritage 13/11/2008
 - Land and Fleet Services (Arboriculture) 12/01/2009

- ▶ Representations
 - Representation from : Robert McCaskie, Cornhill Farm, Biggar, ML12 6QE, DATED 25/08/2008, 10/09/2008. 16/09/2008 & 17/12/2008
 - Representation from : Lee and Isabel Rhodes, 5 Cornhill Grove, Biggar, ML12 6GN, DATED 26/08/2008 & 19/09/2008
 - Representation from : Mr & Mrs G Mullen, 4 Cornhill Grove, Coulter, Biggar, ML12 6GN, DATED 08/09/2008, 19/09/2008 & 01/09/2008
 - Representation from : M Walpole, 8 Cornhill Grove, Coulter, ML12 6GN, DATED 19/09/2008
 - Representation from : A & F Bell, 2 Cornhill Grove, Coulter, ML12 6GN, DATED 03/09/2008 & 15/09/2008
 - Representation from : Mr & Mrs M Butler, 9 Cornhill Grove, Coulter, ML12 6GN, DATED 03/09/2008

Contact for Further Information

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

Ian Hamilton, Planning Officer, South Vennel, Lanark ML11 7JT
Ext 810 3186 (Tel : 01555 673186)
E-mail: Enterprise.lanark@southlanarkshire.gov.uk

CONDITIONS

- 1 That the development hereby permitted shall be started within five years of the date of this permission.
- 2 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.
- 3 That the roofs of the approved dwellings shall be clad externally in natural slate or in a slate substitute which closely resembles natural slate.
- 4 That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.
- 5 That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.
- 6 That other than those trees identified in the Arboricultural Impact Study by Donald Rodger Associates dated June 2008, no trees to be retained 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.
- 7 That the existing trees to be retained must be protected in accordance with methods as set out in BS5837/1991 during and until completion of all site operations and building works.
- 8 That before any work commences on site, a woodland management and maintenance scheme, covering the area enclosed by the blue line on the approved location plan, shall be submitted to the Council as Planning Authority for written approval and it shall include:(a] proposals for the continuing care, maintenance and protection of the trees, shrubs and hedges including details of the timing and phasing of all such works; (b) details of the number, variety and size of trees and shrubs to be planted and the phasing of such works.
- 9 That prior to the completion of the last dwellinghouse hereby permitted, the woodland maintenance and management scheme approved under the terms of Condition 7 above, shall be in operation.
- 10 That intervisible passing places shall be provided along the full length of the existing access in compliance with the Council's Guidelines for Development Roads. The details and location of these passing places shall be submitted to and approved by the Council as Planning and Roads Authority in consultation with the Council's Aboriculture Manager.
- 11 Vehicular access along the existing avenue from the junction of Cornhill Road to the junction with Cornhill Grove shall be restricted to use by the occupants of,

visitors and associated service deliveries to the four dwellings hereby approved and existing houses in Cornhill Grove and farm traffic associated with Cornhill Farm. All hotel staff, guests and deliveries to Cornhill House Hotel shall use the main entrance to the north. Signage shall be installed at the junction of Cornhill Road clearly explaining these restrictions prior to commencement on work on the approved dwellings. The details, wording and location of the signage shall be submitted to and approved by the Council as the Planning and Roads Authority.

- 12 That before the last dwellinghouse hereby approved is completed or brought into use, the new access road serving the development shall be laid out and constructed to the satisfaction of the Council as Roads and Planning Authority.
- 13 That before the dwellinghouses hereby approved are occupied, a drainage system capable of preventing any flow of water from the site onto the public road or into the site from surrounding land shall be provided and maintained to the satisfaction of the Council as Roads and Planning Authority.
- 14 That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and requirements.
- 15 That no dwellinghouse 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.
- 16 That before any dwellinghouses hereby approved are occupied, the development shall be served with a suitable effluent drainage scheme to the satisfaction of the Council as Planning Authority in consultation with SEPA.
- 17 That notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any such order revoking or re-enacting that order), no development shall take place within the curtilage of the application site other than that expressly authorised by this permission without the submission of a further planning application to the Council as Planning Authority.
- 18 That the use of the garages hereby permitted shall be restricted to private use incidental to the enjoyment of the dwellinghouses on the site and no commercial activity shall be carried out in or from the garages.
- 19 That during the construction period badgers shall be protected by the measures outlined in appendix 4 of the Bat (tree) and Badger Survey (Wild Surveys Ltd, 30th September 2008).
- 20 That before the development commences or any trees are felled the recommendations outlined in paragraph that recommendations outlined in section 4.2 of the Bat (tree) and Badger Survey (Wild Surveys Ltd, 30th September 2008) shall be fully implemented to the satisfaction of the Council as Planning Authority in consultation with SNH.

REASONS

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interests of amenity and in order to retain effective planning control.
- 3 In the interests of amenity and in order to retain effective planning control.
- 4 In the interests of amenity and in order to retain effective planning control.
- 5 These details have not been submitted or approved.
- 6 To ensure the protection and maintenance of the existing mature trees within the site
- 7 To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.
- 8 To ensure the protection and maintenance of the existing woodland within the area.
- 9 In order to retain effective planning control.
- 10 In the interest of road safety and to avoid adverse impacts upon the lime avenue.
- 11 In the interests of amenity and in order to retain effective planning control.
- 12 To ensure satisfactory vehicular and pedestrian access facilities to the site.
- 13 To ensure the provision of a satisfactory drainage system.
- 14 To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.
- 15 To ensure that the development is served by a water supply.
- 16 To ensure that the development is served by an appropriate effluent disposal system.
- 17 In the interests of amenity and in order to retain effective planning control.
- 18 To retain effective planning control and safeguard the amenity of the area.
- 19 To ensure that adequate measures are taken to prevent accidental harm to foraging badgers.
- 20 To ensure that adequate precautions are taken to safeguard the presence of bats in the area.

For information only



For information only