

	<h1>Report</h1>	Agenda Item <h1>12</h1>
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Report to:	Planning Committee
Date of Meeting:	7 June 2005
Report by:	Executive Director (Enterprise Resources)

Application No	CL/04/0538
Planning Proposal:	Residential Development and Improvements to Vehicular Access (outline)

1 Summary Application Information

- Application Type : Outline Planning Application
- Applicant : Mrs J Loudon
- Location : 22 Cleghorn Road
Lanark
ML11 7QR

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant Outline Planning Permission – (Subject to Conditions – Based on Conditions Listed Overleaf)

2.2 Other Actions/Notes

The Planning Committee has delegated powers to determine this application.

3 Other Information

- ◆ Applicant's Agent: Alex Cullen & Co.
- ◆ Council Area/Ward: 01 Lanark North
- ◆ Policy Reference(s): Lower Clydesdale Local Plan (Adopted)
- Policy RES1: Residential Areas
- ◆ Representation(s):
 - ▶ 15 Objection Letters
- ◆ Consultation(s):

Environmental Services

Roads and Transportation Services (South Division)

Scottish Natural Heritage

Scottish Water

Community Resources - Arboricultural Manager

Planning Application Report

1 Application Site

- 1.1 The application site is in the northern area of Lanark and is accessed off Cleghorn Road. The grounds, subject of this application, are associated with a large detached dwellinghouse at 22 Cleghorn Road and extend to 0.55 hectares. The dwellinghouse dates from around 1753. An existing small cottage is located within its grounds to the south. A fairly large carriage house with garages is situated in a central position to the east of the main house. The site slopes gently from the rear down to the road, in an east to west direction. The total site area occupied by the house and its grounds is 1.0 hectare. The application site is bounded by residential properties at Cleghorn Drive to the north, at Rhyber Avenue to the east and at Braedale Road to the south. Across Cleghorn Road, to the west of the site are further residential properties. Collectively, these dwellinghouses represent a mix of traditional and modern properties.

2 Proposal(s)

- 2.1 The applicant seeks outline planning permission for a residential development within the grounds of 22 Cleghorn Road. The proposal incorporates improvements to the existing vehicular access. An indicative layout plan accompanied the application and identified 5 plots in addition to the existing residence. Informed by an Arboricultural Implication Study, this was later rationalised to 4 plots. In addition to this, a supporting planning statement makes reference to the potential for the future conversion of outbuildings to provide additional dwellings. For the purposes of this application, only the principle of development, in the context of the site constraints examined in this report needs to be assessed. All layout drawings are therefore for information only.
- 2.2 As a result of a Tree Survey and associated Arboricultural Implication Study prepared by Donald Rodger Associates in January – February 2005, it is proposed that 27 trees are removed. 9 trees are recommended for removal on arboricultural grounds, irrespective of the development proposals. A total of 18 will require to be felled to facilitate the formation of plots within the central area of the site.
- 2.3 In terms of tree planting, a total of 13 trees are intended to be planted within the peripheral woodland strip to be retained.
- 2.4 No significant engineering or ground levelling works are envisaged and the proposed development seeks to work with the existing site contours. Underground services are to follow the proposed access road and link with those on Cleghorn Road.
- 2.5 In terms of vehicular access arrangements, the existing route will be increased from 3 metres to 5.5 metres wide and will extend to 15 metres in length. A single passing place is proposed.

3 Background

3.1 Local Plan Policy

The site is within the settlement boundary of Lanark in the adopted Lower Clydesdale Local Plan. Policy RES1 applies and presumes in favour of residential development.

3.2 National Policy/Government Advice

Scottish Planning Policy 3: Land for Housing, advocates that most housing requirements should be met within or adjacent to existing settlements. National Planning Policy Guide 14: Natural Heritage, requires planning authorities to protect trees where they have natural heritage value or contribute to the character or amenity of a particular locality.

3.3 Planning History

There are no relevant planning applications relating to the application site. Planning permission was granted in 2001 for the erection of 3 dwellinghouses immediately north of the site. Then in 2004, detailed planning permission was granted for one further dwellinghouse. Construction of this dwellinghouse has not yet commenced. (Applications: CL/00/0003 and CL/04/0513).

4 Consultation(s)

4.1 Community Resources (Arboricultural Manager) – Advised that a full and detailed assessment of the group of deciduous trees to the rear and north of the site should be carried out, and should include the three lime trees fronting the site. It is advisable that secure fencing is erected at least 1.5 metres from the drip line of the tree canopy prior to any works being carried out on site. Depending on the result of the tree survey, the proposed development will have to stand back at least 10 metres from the trunk of the retained trees.

Response: Noted. Taking the Arboricultural Manager's observations into account, the applicant was asked to undertake a tree survey. On 18 February 2005, a Tree Survey and Arboricultural Implication Study by Donald Rodger Associates was submitted, together with a revised indicative drawing to illustrate how 4 plots could be arranged around an exclusion zone. The survey records in detail the nature, extent and condition of the existing tree cover and provides interpretation and analysis of the survey results. The survey covers two specific areas within the site, namely the frontage with Cleghorn Road and a large area of ground to the east. Trees elsewhere in the site were not surveyed. The tree survey has identified nine trees which should be felled for sound arboricultural reasons. These trees are suffering from a range of serious decay and structural defects, and as such they present a potential hazard to the site. The Arboricultural Implication Study seeks to identify an appropriate envelope within which development may take place. It sets out to establish optimum plot locations, road alignment and general layout, given the arboricultural constraints relevant to the site. Of the 18 trees that are proposed to be felled for development reasons, the report confirms 8 of these are of relatively poor quality. Adequate tree protection will be achievable by creating a fenced 'exclusion zone' around the trees concerned within which no development takes place and root systems therefore remain undisturbed, in accordance with British Standard 5837 (1991). Protective fencing must be erected prior to any construction works commencing on site and be maintained throughout to completion. It is proposed to retain the three mature lime trees to the frontage of the site and it is accepted that these are attractive and prominent specimens of high landscape and amenity value. It is proposed to utilise and widen the existing access and this will effectively run between two of the large limes (T449 and 450). The proposed driveway will

encroach some 3 metres closer to tree 450. Some root disturbance may result from this, but is not likely to be significant. A number of recommendations are made to ensure damage to the root system of this tree is minimised. The Arboricultural Study concludes by proposing a scheme of native tree planting. This includes 5 oak, 5 ash and 3 birch trees. The Arboricultural Manager has assessed these studies by Donald Rodger Associates and is satisfied with the measures proposed.

- 4.2 **Environmental Services** – no objections subject to the submission and assessment of a Phase 1 study, to determine any potential contaminants on the site.

Response: Noted and agreed.

- 4.3 **Roads and Transportation Services** – no objections subject to compliance with conditions relating to visibility splays, parking arrangements and improvements to the vehicular access.

Response: Noted and agreed.

- 4.4 **Scottish Natural Heritage** – no objection subject to compliance with conditions. These include a comprehensive badger survey being undertaken; a tree survey with measures for protection being submitted; an effective buffer zone between the houses and any adjacent mature trees being retained; a bat roost survey being undertaken and no felling of trees permissible during the bird breeding season.

Response: Noted and agreed.

- 4.5 **Scottish Water** – advise a totally separate system of foul and surface water sewers will be required. The developer should contact Scottish Water to discuss how the proposed development would be best served with a public water supply and an application must be made in respect of making a connection to the public sewerage system.

Response: Noted. The applicant has been made aware of this advice.

5 Representation(s)

- 5.1 Following statutory neighbour notification, 11 letters of representation were submitted. The main concerns largely relate to impact on trees, wildlife, amenity and roads issues. The objectors were then advised in writing of the submission of the Tree Survey and Arboricultural Implication Study. These documents were made available for public inspection and this resulted in the submission of a further 4 letters of representation. The main grounds raised in all of these letters are summarised below.

- (a) **If tree felling is to be carried out, could the very large trees be cut down and replaced with medium-sized trees, as at present the canopy blocks out nearly all my direct sunlight at the rear of my property.**

Response: Trees, to the rear of 23 Rhyber Avenue, represent a mix of ash, sycamore, beech and horse chestnut. In the main these will be retained, falling within Retention Category A-B.

- (b) **I have noticed that a boundary gap has been created by the neighbouring development at Rhyber Lodge. It concerns me that an invasive bush has been allowed to flourish on the existing border with my property and that of Mrs. Loudon. Should a 'no man's land' be created, how do we deal with this?**

Response: This is essentially a civil matter.

- (c) **Trees to the east and north of the property are very large. The well-established woodland is visible for miles from the westerly aspect of Lanark and contributes significantly to the rural feel of this area. These trees provide a home for many species of wildlife. Their loss would be irrevocable.**

Response: The landscape value of these trees is noted. A generous peripheral fringe of trees will be retained along the north, east and south boundaries. A number of conditions relating to tree retention and re-planting are proposed. On this basis, there should not be a significant degree of disturbance to wildlife.

- (d) **The row of trees on the north of the development appear to be an ancient hedgerow and contains many large, well-established trees. Measures should be taken to ensure that foundation and other excavations do not result in these trees becoming unsafe.**

Response: Tree protection will be secured by the imposition of an exclusion zone, within which no development can take place. Root systems will therefore remain undisturbed. Protective fencing will require to be erected to define this exclusion zone during construction works.

- (e) **We have concern about the precise method to be employed in removing the many largely mature trees covering the area of the access road. The scale of these trees and their proximity to our feu (17 Braedale Road) make it extremely likely that major roots extend well into our property. Any indiscriminate, rather than specialist expert removal, will cause serious damage to the property of others.**

Response: A planning condition will require that all felling work is carried out by a competent surgeon, to British Standard 3998 (1989) '*Recommendations for Tree Work*'.

- (f) **It is not clear what is happening to the mature trees in the wooded area.**

Response: This issue was raised prior to the submission of the Tree Survey and Arboricultural Implication Study.

- (g) **In order for the proposed development to proceed, an area of approximately 2200 square metres of ancient woodland, containing some of the most mature and tallest trees in the town, would have to be destroyed. I enclose photographs from different parts of Lanark which emphasise the contribution these trees make to maintaining the rural aspect of the Royal Burgh of Lanark.**

Response: The woodland area will not be destroyed, as is evident in the reports mentioned above. The Arboricultural Implication Study identifies an appropriate envelope within which the development can take place, whilst minimising any impact on tree cover.

- (h) **The parallel application for further development at 26 Cleghorn Road is likely to result in additional destruction of trees, thus exacerbating the issue raised above (see g).**

Response: Conditions 10 and 11 of planning consent CL/04/0513 stipulate that no trees will be felled without the prior written approval of the Council and that a landscaping plan requires to be submitted before the commencement of works.

- (i) **Our interpretation is that Mrs. Loudon will retain a border of trees along the boundary with Cleghorn Drive. Removal of some of the trees and subsequent digging of foundations is likely to interfere with complex and intertwined root systems, thus rendering the remaining trees unsafe. Consequently, there is potential for the ultimate loss of all mature trees from the site.**
Response: Planning conditions will be imposed to ensure the protection of all trees to be retained, in accordance with British Standards.
- (j) **The site is sloping and the removal of trees may cause erosion and land slippage, together with drainage problems for adjoining properties.**
Response: As in (e) above all felling work will be carried out and monitored by a qualified person. As is standard practice, a planning condition will require the developer to provide a drainage system capable of preventing any water from flowing onto the public road or into the site from surrounding land at his own expense.
- (k) **It has been specified previously that the mature beech trees bounding Cleghorn Drive should be retained.**
Response: The trees are not currently protected by either planning conditions or a tree preservation order.
- (l) **I should like to ascertain if a preservation order is in force in relation to the healthy mature trees present on the site. I am also concerned that the removal of said trees may de-stabilise my house and land. If development is permitted, the border trees detailed on the plans would not have the protection of the forest and would pose a threat to my property. These trees should be topped and trimmed to produce a lower canopy and provide a natural screen. It should also be considered who will be responsible for the care of these trees should development go ahead.**
Response: As in (e), (j) and (k) above, this has been addressed. It is not anticipated that the development will have an adverse impact on land and property outwith its boundaries. In the unfortunate circumstances that damage to private property occurred, this would be a civil matter.
- (m) **Planning application is entirely at odds with the aims of South Lanarkshire Biodiversity Action Plan.**
Response: Disagree. This application complies with national and local planning policy and a careful assessment of natural heritage issues has been undertaken.
- (n) **An undertaking should be given by developers that steps will be taken to prevent damage to adjacent properties bordering Rhyber Avenue – who would title and responsibility for trees belong to in the future?**
Response: Any damage caused would be a civil issue.
- (o) **What about the harmful effects of this proposal upon a particular and special animal – the human? Residents of the proposed houses will enjoy limited daylight. Existing properties are already badly affected. This will lead to the creation of an unhealthy domestic environment. Can this issue be regulated by the Building Regulations or other legislation?**

Response: It is anticipated that the site lends itself to the creation of a high amenity residential environment. Any development proposal will require to satisfy current Building Regulations.

- (p) **The proposed site access is substandard, visibility is poor.**

Response: Disagree. Roads and Transportation are satisfied with the sightlines and a planning condition will require that these are maintained.

- (q) **Further development will overburden the road system. There are already numerous junctions and access points over a short stretch of road. Further development will pose considerable danger to road users.**

Response: Disagree. Roads and Transportation are satisfied that road safety will not be compromised.

- (r) **Any increase in traffic increases pollution, lessens road safety, aggravates cyclists, pedestrians and non-car owners.**

Response: As in (q) above.

- (s) **There is no pedestrian footpath or street lighting between Cleghorn Drive and Braedale Road. Pedestrians exiting proposed access will have to walk on road for a considerable distance or cross over at very dangerous points.**

Response: As in (q) above.

- (t) **Additional traffic will have a greater noise impact on neighbouring properties.**

Response: Disagree. The proposal is unlikely to have a significant adverse impact on amenity.

- (u) **Will there be adequate space for delivery vehicles to access the site and for the refuse vehicle to service the site?**

Response: It is anticipated that the site will have sufficient access arrangements.

- (v) **Please advise what change will be made to ground levels to land adjoining 19 Braedale Road.**

Response: It is not anticipated that significant engineering works will be required. This information will be required to accompany a reserved matters application.

- (w) **Having studied the reports prepared by Donald Rodger Associates, we wish to comment further. There is no mention on the effect of wind particularly on remaining trees should those at the centre be removed. This may create a funnel effect that will increase the force of wind on remaining trees. We seek assurance that removing trees will not increase the risk of the remaining trees being blown over.**

Response: It is not considered that the tree management proposals will inadvertently put retained trees at risk.

- (x) **Increasing the exclusion zone along the eastern boundary by approximately 14 metres would allow 12 trees to be retained.**

Response: The proposed exclusion zone sufficiently safeguards the retention of healthy trees whilst optimizing the developability of the site for residential purposes.

- (y) **Given the very positive outcome of the tree survey in terms of the health of the majority of the trees in the immediate and longer-term, it is appropriate to seek a Tree Preservation Order.**

Response: The trees to be retained can be satisfactorily protected by means of condition.

- (z) **The proposed development will create disturbance to existing badger and bat colonies.**

Response: A planning condition can require the submission of a badger survey. The position of any setts discovered will be taken into account when assessing the detailed plot considerations. It can also be conditioned that no trees are felled until a bat roost survey has been undertaken.

- (aa) **There does not seem to be any detail regarding the design of the housing.**

Response: This level of detail is not examined in an outline planning application.

- (ab) **Will retaining walls have to be built?**

Response: Details will be confirmed and assessed in the event a Reserved Matters application is submitted.

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

6 Assessment and Conclusions

- 6.1 The determining issues in the assessment of this application are:

- (a) Compliance with local plan policy;
- (b) Impact on residential amenity;
- (c) Potential impact on trees and landscape value of the site;
- (d) Impact on wildlife;
- (e) Availability of services and infrastructure;
- (f) Roads and access arrangements.

- 6.2 In the adopted Lower Clydesdale Local Plan, the site lies within the settlement boundary of Lanark, where Policy RES 1: Residential Areas applies. The principle of residential development is, therefore, acceptable.

- 6.3 In terms of impact on residential amenity, it is unlikely that the privacy and existing level of amenity afforded to existing householders will be reduced significantly. Any future reserved matters or detailed planning applications will be assessed for compliance with the Council's Residential Development Guide in terms of site layout, design and detailed plot considerations.

- 6.4 As confirmed in paragraph 4.1, a Tree Survey and associated Arboricultural Implication Study have been carried out. The recommendations made in the latter are well considered and the statement on tree retention and removal is accepted. In order to achieve a high standard of residential development within the site, it is acknowledged that some trees will be lost. In addition to the 9 trees requiring to be felled for arboricultural reasons, 18 are proposed for felling to achieve optimum plot locations and a satisfactory overall layout. For clarification, this means that 75% of

the individual trees surveyed will be retained. Groups 1 and 3 along the northern boundary will also be retained. The integrity of the boundaries will therefore be maintained and the wooded appearance of the site will not be compromised.

- 6.5 A scheme of native tree planting has been proposed, to ensure the long-term perpetuation of tree cover and enhance the site's value in terms of landscape, conservation and amenity. As well as going some way to compensate for the loss of trees, this will also restore and enhance screening and shelter along the south, north and east boundaries. Species and location have been selected with an understanding of the need to minimise future problems to properties and neighbouring land. Indicative location and spread of species have been suggested in the Tree Management and Protection Plan. It is recommendable that a condition is attached to any grant of planning consent to ensure that a formal plan is submitted as part of a reserved matters application, for further consideration and approval. I am satisfied that a number of planning conditions can effectively be employed to ensure that a sensitive development can be achieved with minimal impact on tree cover.
- 6.6 A number of residents have commented on the activity of wildlife within the site and Scottish Natural Heritage has made a number of recommendations that would ensure the protection of species identified. These recommendations are accepted and have been incorporated within the planning conditions suggested by this report.
- 6.7 In terms of services and infrastructure, there are no known constraints to the development. It is anticipated that the site will be served by a public water supply and that connection will be made to the public sewer. The existing vehicular access will be utilised and upgraded. Underground services are expected to follow the proposed access road to link with those on Cleghorn Road.
- 6.8 The proposed access arrangements are to the satisfaction of Roads and Transportation Services. A number of objections are noted, however, the Divisional Engineer is satisfied that the required visibility splays can be achieved. This will be secured by means of a planning condition.
- 6.9 I am satisfied that, subject to conditions, a scheme of residential development at this site is acceptable.

Iain Urquhart
Executive Director (Enterprise Resources)

23 May 2005

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- Consultations

Scottish Water	09/08/2004
Roads and Transportation Services (South Division)	04/08/2004
Environmental Services	13/08/2004
Scottish Natural Heritage	20/08/2004
Community Resources - Arboricultural Manager	09/03/2005
Community Resources - Arboricultural Manager	28/09/2004
- Representations

Representation from :	Drs Hunter, 2 Cleghorn Drive, Lanark ML11 7QZ, DATED 10/08/2004
Representation from :	Mary Greenshields, 23 Rhyber Avenue, Lanark ML11 7AP, DATED 10/08/2004
Representation from :	David Marks, 17 Rhyber Avenue, Lanark ML11 7AP, DATED 09/08/2004
Representation from :	Daniel McGuinness, 19 Braedale Road, Lanark ML11, DATED 09/08/2004
Representation from :	John R Charlton, 17 Braedale Road, Lanark ML11 7AW, DATED 05/08/2004
Representation from :	Mr Francis T Hayes, Howgate Farm Cottage, Thankerton, Biggar ML12 6NQ, DATED 02/09/2004
Representation from :	Mrs M M Garden, Broompark, 15 Cleghorn Road, Lanark ML11 7QR, DATED 30/08/2004
Representation from :	Mr Michael O'Donnell, 19 Rhyber Avenue, Lanark ML11 7AP, DATED 18/08/2004
Representation from :	Dr T J and Mrs E C Nunn, Belvidere, 20 Cleghorn Road, Lanark ML11 7QR, DATED 17/08/2004
Representation from :	Mark & Karen Porcelli, 3 Cleghorn Drive, Lanark ML11 7QZ, DATED 11/08/2004
Representation from :	William R Gall, 1 Cleghorn Drive, Lanark, ML11 7QZ, DATED 19/08/2004
Representation from :	Francis T Hayes, Howgate Farm Cottage, Thankerton, Biggar, South Lanarkshire ML12 6NQ, DATED 21/03/2005
Representation from :	Dr D T and Mrs E C Nunn, Belvidere, 20 Cleghorn Road Lanark ML11 7QR, DATED 21/03/2005

Representation from : Mark and Karen Porcelli, 3 Cleghorn Drive, Lanark
ML11 7QZ, DATED 21/03/2005

Representation from : Mrs M M Gordon, Broompark, 15 Cleghorn Road, Lanark
ML11 7QR, DATED 18/03/2005

Contact for Further Information

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

Monica Ward, Planning Officer, South Vennel, Lanark
Ext. 3125 (Tel :01555 673125)
E-mail: Enterprise.lanark@southlanarkshire.gov.uk

CONDITIONS

- 1 That the development hereby permitted shall be started either within five years of the date of this permission or within two years of the date on which the last of the reserved matters are approved, whichever is the later;
- 2 That before the expiration of three years from the date of this outline permission and before any development starts, a written application and plans in respect of the following Reserved Matters shall be submitted to and approved by the Council as Planning Authority:
 - (a) a site layout plan at a scale of [1:1000] showing the position of all buildings, roads, footpaths, parking areas (distinguishing where appropriate between private and public spaces), walls, fences, landscaping and open space;
 - (b) plans and elevations of each house and garage type showing their dimensions and type and colour of materials;
 - (c) a landscaping plan at a scale of [1:1000] showing the location, species and ground spread of existing and proposed trees, shrubs and hedges;
 - (d) details of the phasing of development (covering all relevant aspects of development detailed in (a) above);
 - (e) detailed cross-sections of existing and finished ground levels and finished floor levels, in relation to a fixed datum, preferably ordnance datum.
- 3 That the further application required under Condition 1 above shall include provision for (a) a visibility splay of 2.5 metres by 60 metres on both sides of the vehicular access, measured from the edge of the road channel; (b) the formation of a 5.5 metres wide dropped kerb crossing at the access into the site from Cleghorn Road which will remain this wide for at least the first 10.0 metres; (c) a vehicular access that shall be hard-surfaced for the first 10.0 metres from behind the edge of the public carriageway; (d) the formation of a passing place within the site to allow vehicles to pass freely; (e) turning facilities within each plot, which do not conflict with parking arrangements, thus to allow vehicles to enter and exit in forward gear; (f) sufficient parking spaces within each plot, in accordance with the Council's guidelines (3 bedrooms will require 2 spaces, 4 or more bedrooms will require 3 spaces, with a double garage counting as one space) and each space shall be capable of being accessed individually from the road without the need to remove any vehicle already parked in the driveway; (g) a drainage system capable of preventing any water from flowing onto the public road or into the site from surrounding land to be provided at the applicant's expense.
- 4 That before development starts 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.

- 5 That before the development hereby approved is completed or brought into use, remediation/control measures must be fully implemented to the satisfaction of the Council as Planning Authority.
- 6 That no development shall take place until a comprehensive badger survey of the site has been undertaken by an independent, qualified individual. Such a survey shall include an examination of the site for any badger setts, irrespective of whether or not they are currently in use. This survey shall be carried out and submitted to the Council prior to detailed plot considerations being approved, so that it can inform the design and layout of the site.
- 7 That prior to the commencement of any works on site, details shall be submitted to and agreed with the Council as Planning Authority, to illustrate clearly how the existing trees, which are to be retained in and around the site (including their associated habitat i.e ground flora), are to be protected during construction. Protection measures shall conform to British Standard 5837: 1991 Guide for Trees in Relation to Construction; National House-Building Council Standards, Chapter 4.2 'Building near Trees' (updated 1992).
- 8 That notwithstanding Condition 7, an exclusion zone within which no development shall take place, shall be identified and imposed in accordance with British Standard 5837 (1991). Robust fencing shall be used to define this protective exclusion zone and shall comply with both 8.2.2 and 8.4.1 of British Standard 5837. This shall be carried out in advance of any construction work commencing on site to the satisfaction of the Council as Planning Authority.
- 9 That no mature trees shall be felled without a bat roost survey having being first undertaken by a suitably qualified individual and submitted to the Council as Planning Authority for consideration and approval.
- 10 That no trees or shrubs shall be felled during the bird breeding season (March - June inclusive).
- 11 That all trees highlighted in green on the Tree Management and Protection Plan prepared by Donald Rodger Associates shall be retained. Notwithstanding this, 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.
- 12 That the felling of the 27 trees identified for removal on the Tree Management and Protection Plan, as well as any other felling works subsequently approved in writing by the Council, shall be carried out by a competent tree surgeon to British Standard 3998 (1989) 'Recommendations for Tree Work'.
- 13 That the grass area on which Tree 449 grows, shall remain undisturbed and protected by temporary fencing during the construction phase, to the satisfaction of the Council as Planning Authority.

- 14 That for the avoidance of doubt, no permission is hereby granted for the quantity of plots and any references to plot numbers and layout on the application drawings is indicative only. The detailed plot considerations are not subject of this consent.

REASONS

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 Consent is granted in outline only.
- 3 In the interest of road safety
- 4 To ensure the site is free of contamination and suitable for development.
- 5 To ensure the site is free of contamination and suitable for development.
- 6 It is a criminal offence, under the Badger Act 1992, to wilfully kill, injure, take or cruelly ill-treat a badger. It is also a criminal offence to damage or destroy a sett or to obstruct access to a sett, etc. under the same Act. The applicant would need to apply for a licence from SNH in order to carry out potentially damaging or disturbing operations around setts. The discovery of badger setts will influence the location of development, therefore, the survey needs to be carried out at an early stage.
- 7 In the interests of amenity and in order to retain effective planning control.
- 8 To ensure that adequate steps are taken to protect and maintain the existing trees on the site, throughout the period of the proposed building operations.
- 9 All bats and their roosts are legally protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats) Regulations 1994.
- 10 To ensure the protection of bird species within the site.
- 11 In the interests of amenity and in order to retain effective planning control.
- 12 To ensure that all work is carried out by a qualified person.
- 13 To ensure that adequate steps are taken to protect and maintain the existing tree throughout the period of proposed building operations.
- 14 Consent is granted in outline only and no consent is granted for the details indicated on the application plans.

For information only

For information only



