

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>23 February 2010</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Application No	CL/08/0459
Planning Proposal:	Erection Of 71 Dwellinghouses

## 1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Clansman Homes Ltd
- Location : Boghall Road  
Carluke

## 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) A financial contribution of £3,080 will be required from the developer towards the improvement of the footpath network along Boghall Road. The decision notice will not be issued until this payment has been made.

## 3 Other Information

- ◆ Applicant's Agent: Drew Deans Design
- ◆ Council Area/Ward: 01 Clydesdale West
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (Adopted)**  
 Policy RES6: Residential Land Use  
 Policy RES3: Residential Masterplan Site  
 Policy RES2: Proposed Housing Sites  
 Policy ENV31: New Housing Development  
 Policy ENV11: Design Quality  
 Policy DM1: Development Management

- ◆ Representation(s):
  - ▶ 6 Objection Letters
  - ▶ 0 Support Letters
  - ▶ 0 Comments Letters
- ◆ Consultation(s):

Environmental Services

Roads & Transportation Services H.Q. (Flooding)

Scottish Water

Roads and Transportation Services (South Division)

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

Education Resources - School Modernisation Team

Scottish Natural Heritage

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site (4.4 ha) encompasses an extensive area of vacant, under utilised ground at Boghall Road on the southern edge of Carluke. Wider at the eastern half it narrows in towards the west. The eastern half comprises predominantly of scrub with a series of informal paths/desire lines. Within this area there is evidence of former coal working. Further to the west are overgrown agricultural fields with field margins bounded by mature tree and hedgerows. In the southern central section marshy conditions prevail. The westernmost field is used as a paddock for horses. Topographically the site slopes in a north/south direction down to the Fiddler Burn.
- 1.2 The site is bounded to the north west by Boghall Road and beyond by residential housing estates and a tree plantation; to the north east by dwellinghouses and vacant scrub land; to the south by the Fiddler Burn and beyond by agricultural land and a coal bing and; to the west by Birkfield, a category B-listed dwelling.

### **2 Proposal(s)**

- 2.1 The applicant seeks planning permission for the erection of 71 dwellings (61 detached and 10 semi-detached), associated road and footpath network, landscaping, recreational/amenity provision and SUDS pond.
- 2.2 The houses will be orientated around two separate roads, one in a circular formation and the other horizontal in form with cul-de-sacs at either end of the access points. Both roads take access onto Boghall Road.
- 2.3 The house design (ranging from 3 to 5 bedrooms) represent a variety of conventional sub-urban styles predominantly finished in render, brick and tiles. All houses will be two storey in height.
- 2.4 An extensive area of amenity/recreational space will be established in the southern section adjacent to the burn. This area incorporates structure planting, a kick-about pitch, play area and public open space. These facilities will be interlinked by a path system. A SUDS pond and pumping station will also be located in this area. A new hedgerow will be established along the boundary with Boghall Road to replace the existing which will have to be removed in order to improve visibility at the access points and to allow the formation of a footpath along the site frontage. A 5 metre wide landscape buffer area will be incorporated along the western boundary to protect the setting of the listed building. Along the river bank and the eastern boundary individual existing trees shall be retained.
- 2.5 As supporting documents the applicant has submitted Protected Species and Drainage/Flood Risk Assessments. The Flood Risk Assessment identified that a 1:200 flood event would extend into part of the site. Accordingly the layout was prepared to ensure that all housing development fell outwith the flood plain.

### **3 Background**

#### **3.1 Relevant Government Advice**

- 3.1.1 All previous government advice has now been consolidated into a new document Scottish Planning Policy (Feb 2010). In the relevant section on housing it states "Planning Authorities should promote the efficient use of land and buildings, directing development towards sites within existing settlements where possible to make

effective use of existing infrastructure and service capacity and to reduce energy consumption”.

### 3.2 **Local Plan Status**

3.2.1 In the South Lanarkshire Local Plan (Adopted March 2009) there are several relevant policies which apply in respect of this proposal. Policy RES2 “Proposed Housing Sites” states the Council will support development for housing sites included in the Housing Land Audit and identified on the local plan proposals map. The application site has been identified as a housing site. Policy RES3 “Residential Masterplan Site” supports the residential development at Boghall Road on condition that Masterplan requirements are met. These are as follows: Low density residential development, improvements to derelict land on site, provision of public access and robust settlement edge through structural planting. The site is within the Residential Land Use area where Policy RES6 encourages residential development as long as adverse amenity impacts can be avoided. Each application will be judged on its individual merits. Policy ENV31 emphasises the need to respect the local context and be appropriate to the character and topography of the site. 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 development which enhances the character of the area and adheres to the principles of sustainability.

### 3.3 **Planning History**

3.3.1 There have been no previous planning applications over the past five years on this site.

## 4 **Consultation(s)**

4.1 **Roads and Transportation Services (Area Manager)** – no objections subject to the provision of adequate visibility, footpaths and access arrangements.

**Response:** If consent is granted these matters can be covered by appropriate conditions.

4.2 **Scottish Natural Heritage** – an otter survey shows otters to still be present along the stretch of the Fiddler Burn next to the development site. As such Scottish Natural Heritage recommends that the development standoff is increased from 10 metres shown on the proposed layout plan in order to minimise disturbance to otters. If it is not possible for the standoff to be increased then riparian planting along the river bank to provide otters with additional cover should be encouraged. They are satisfied with the outcome of a bat survey which identified a pipistrelle bat roost in a building to the north of the site boundary. Therefore it is concluded that it is unlikely for any bat roosts to be disturbed, damaged or destroyed as a result of the proposed development, provided the following measures are adhered to:

- No noisy works should be carried out on site within 100m of the roost within an hour of dusk and dawn,
- Bright lights on site should be hooded and directed away from the roost site and also from the tree line adjacent to Fiddler Burn.

In addition to this Scottish Natural Heritage encourage the planting of native tree species along the river corridor and the use of bat boxes in this area to enhance the roosting and foraging opportunities for bats. Measures for the protection of badgers as outlined in the Protected Species assessment should be implemented.

**Response:** It has not been possible to increase the 10m standoff and therefore a condition will be applied requiring the establishment of additional cover along the river bank. Additionally conditions shall be used to ensure the installation of bat boxes and other valid measures relative to protection of bats and badgers.

- 4.3 **Environmental Services** – no objection subject to the application of conditions covering dust control and contaminated land investigations.  
**Response:** If consent is granted the appropriate conditions will be incorporated.
- 4.4 **Roads and Transportation Services H.Q. (Flooding)** – no objections subject to adherence to design guidance and submission of completed self certification forms.  
**Response:** This matter can be covered by appropriate condition.
- 4.5 **Scottish Water** – no objection however it should be noted that due to the size of the proposed development it will be necessary to assess the impact this new demand will have on existing infrastructure. There is at present limited capacity at Crossford Wastewater Treatment Works to serve this new demand. There may be a requirement for the developer to carry out works on the local network to ensure there is no loss of service to existing customers.  
**Response:** Noted. A condition will be applied requiring the submission of evidence from Scottish Water confirming their agreement to connections into the water and sewerage networks.
- 4.6 **SEPA** – Initially objected on grounds of insufficient information in the Flood Risk Assessment with regard to flood analysis the extent of the flood plan and land regarding. After the applicant supplied the necessary clarification SEPA subsequently withdrew their objection.  
**Response:** Noted
- 4.7 **Education Resources** – no response to date.  
**Response:** Noted.

## **5 Representation(s)**

- 5.1 The application was advertised in the local press as Development Potentially Contrary to the Development Plan and Development affecting the setting of a Listed Building. In response to this publicity and the carrying out of neighbour notification, 6 letters of objection have been received. The issues raised are summarised as follows:-
- (a) **The application is contrary to the Local Plan in that it does not comply with the requirement of density residential development improvements to derelict land on site and provision of public access and robust settlement edge through structural planting.**  
**Response:** The development will result in the clearance of derelict land. The layout plan clearly shows significant areas of structural planting and the retention of mature trees and a riverside walkway which can be accessed by the public. The Councils Residential Development Guide recommends that densities in new suburban or Greenfield locations should be limited to between 20-29 houses per hectare. The site proposals contain 71 houses on a 4.4 hectare site. If complying with the density of 20 houses per hectare that would equate to 88 houses on site. In light of these facts I consider the development to be low density and compatible with the above statement.
- (b) **The capacity of the site is listed in the local plan as 30 whilst the developers are proposing 73 units.**  
**Response:** The developer has demonstrated that the layout incorporating 71 units (the original 73 units were reduced to 71 with the submission of amended plans) can be successfully integrated into its surroundings without

adversely affecting amenity. The capacity of 30 identified in the local plan was indicative. The applicant has shown that the higher number can be achieved without affecting the character or amenity of the area.

- (c) **The proposed units adjacent to the boundary fence on Boghall Road directly opposite Pinewood Cottage will overlook properties – in one instance with direct line of sight through south facing patio doors into a sitting room.**

**Response:** The windows on the rear elevations of the proposed new houses which overlook Boghall Road at this location relate to non-habitable rooms. Therefore in this instance the privacy standards outlined in the Council's Residential Development Guide have not been contravened

- (d) **The proposed SUDS pond on the site will represent a hazard to children on the site and will encourage vandalism.**

**Response:** SUDS ponds have increasingly become features of the urban scene and ultimately it is the responsibility of individuals to take due cognisance of any dangers and take necessary precautions in much the same way they would in respect of the adjacent Boghall Road and the Fiddlers Burn, a natural watercourse to the south. Notwithstanding the purpose of a SUDS pond is to act as a detention for runoff during heavy rainfall and to ensure the runoff is contained. Otherwise outwith heavy rainfall periods the likelihood is the water in the pond would be low or non-existent. It should be noted that the pond would be overlooked by houses which in itself should discouraged anti-social behaviour.

- (e) **The ground adjacent to Fiddler Burn designated as "Public Open Space" in the proposal, floods completely in periods of heavy rain. The objector is concerned that the major changes to the land levels caused by the development may encourage further flooding in the area which could affect their property.**

**Response:** A comprehensive Flood and Drainage Assessment has been carried out to help design a drainage system which can deal with heavy rainfall and protect properties from flood. All new housing has been kept outwith the flood plain where most of the amenity space will be located. The flood event emanates from the Fiddler Burn which is situated at lowest point of the site which slopes from north to south from Boghall Road. The objector's house sits on Boghall Road high above the burn and therefore even in a scenario of the heaviest flooding their property is very unlikely to be affected.

- (f) **The junction with Carnwath Road is at present difficult to negotiate and this will be exacerbated by the increased traffic levels caused by the development. The volume and speed of traffic on Boghall Road and the lack of pedestrian safety is already a great cause for concern. Boghall Road has recently been improved through resurfacing; as a South Lanarkshire Council tax payer it is of great concern that the tax payers money has been wasted if this work is going to be disturbed by additional heavy vehicles serving the site and the digging up of the road surface to provide new access.**

**Response:** Roads and Transportation Services have offered no objections subject to appropriate conditions. Furthermore the developer has agreed to make a financial contribution towards up-grading the footpath network along Boghall Road. They will also be responsible for reinstating the public road to its original condition.

- (g) **The development will encroach further into the greenbelt area between Carluke and Braidwood. This will create a precedence.**  
**Response:** In the South Lanarkshire Local Plan (Adopted) the application site is identified as falling within the settlement boundary of Carluke and as a proposed housing site. Therefore greenbelt is unaffected and no precedence will be set.
- (h) **This development will border Fiddlers Gill Burn. As this is a Site of Special Scientific Interest (SSSI) what provision will be made to ensure that it will not be polluted?**  
**Response:** The section of Fiddlers Gill which borders the application site is not a designated Site of Special Scientific Interest. Scottish Natural Heritage in their consultation response to the proposal has not objected subject to conditions. Pollution control of river courses falls outwith the Planning remit and is the responsibility of SEPA.
- (i) **The building sites on Boghall Road and Lanark Road look as though they are abandoned and very unsightly. This will discourage tourists.**  
**Response:** Housebuilding has slowed down because of the downturn in the economy however as the economy recovers activity at the housing sites should increase. The application site does not adjoin a recognised tourist route.
- (j) **The proposed development shows its boundary with Boghall Road as 1800mm high wooden fence with no obvious verge or planting.**  
**Response:** The layout plan shows new boundary hedging along the Boghall Road frontage.
- (k) **Concern that residents will be looking at an unfinished building site if they are unable to sell.**  
**Response:** Sites are built in phases as demand dictates.
- (l) **There are several mature trees in this area and no provision appears to have been made in the plans to protect them and to retain the natural environment.**  
**Response:** The layout plan identifies existing trees along the riverside and partly along the eastern boundary which will be retained. In addition significant areas of new landscaping will be introduced.
- (m) **Is there a need for more similar type housing in the local area?**  
**Response:** The house styles are considered appropriate at this site.

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

## **6 Assessment and Conclusions**

- 6.1 The main consideration in the determination of this application relates to compliance with local plan policies and government guidance, the impact on the amenity of the area and any relevant infrastructure constraints.
- 6.2 In the South Lanarkshire Local Plan, Policy RES2 supports the principle of housing on those sites included in the Housing land Audit; the application site identified as a new housing site and therefore the principle of residential development is established. Policy RES3 identifies the site as one where a masterplan approach is required with the aim to facilitate a low density development, clearance of derelict

land, public access and a robust settlement edge. The layout submitted demonstrates that these objectives would be achieved. The area of brownfield derelict land within the site will be completely removed. As referred to in paragraph 5.1 (a) above, the proposed density is significantly below the Council's standards for house numbers per hectare on new build sites. A riverside walk will be created and significant areas of structural planting/landscaping will be established around the southern boundary, which is the settlement edge of this part of Carluke.

- 6.3 In addition Policies ENV11: Design Quality, ENV31: New Housing Development and DM1: Development Management in the Adopted Local Plan promote quality, sustainability and aim to ensure that residential developments are sympathetic with surroundings and can successfully integrate with the adjoining built up area/countryside in terms of character, layout, appearance and landscaping. After fully considering the proposal and changes to the layout during the processing of the application, I am satisfied that the layout and design of the proposed units respect the character and appearance of the surrounding area and will fit into the landscape in a satisfactory manner.
- 6.4 The site is part located on a brownfield site and is within the settlement boundary which in accordance with Government policies is the preferred location for residential developments as advantage can be taken of existing services and overall car journeys can be reduced which is an integral aim of sustainability. This consequently should result in less pressure for houses in the countryside where amenity and environment issues prevails. Further the development will facilitate choice, help meet demand and find an appropriate use for a vacant site. Finally the development will result in the removal of an area of unsightly dereliction.
- 6.5 None of the consultees have objected and I am satisfied that wildlife interests can be protected by the use of appropriate conditions. There are no infrastructure constraints which would impede the proposal and the developer has agreed to make a financial contribution towards improving the public footpath network along Boghall Road.
- 6.6 I conclude that the proposal complies with the adopted Local Plan and will result in a development that will integrate well with the existing surrounding area, utilising an appropriate area of land within the settlement boundary of Carluke. It is therefore recommended that planning permission be granted.

## **7 Reasons for Decision**

- 7.1 The proposal is consistent with Policies RES2, RES3, RES6, ENV11, ENV31 and DM1 of the South Lanarkshire Local Plan (Adopted, March 2009) and there would be no adverse impact on residential or visual amenity.

**Colin McDowall**  
**Executive Director (Enterprise Resources)**

**9 February 2010**



## Previous References

- ◆ None

## List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
  - Environmental Services 15/08/2008
  - Roads and Transportation Services (South Division) 07/10/2008
  - Roads and Transportation Services (South Division) 11/12/2008
  - Scottish Natural Heritage 27/02/2009
  - S.E.P.A. (West Region) (Flooding) 14/12/2009  
and  
27/01/2010
  - Scottish Water 30/12/2009
  - Roads & Transportation Services H.Q. (Flooding) 11/01/2010
- ▶ Representations
  - Representation from : Mr & Mrs S R Roberts, Pinewood Lodge, Boghall Road, Carluke, ML8 4QL, DATED 16/07/2008
  - Representation from : Mr & Mrs M D Harris, Pinewood Cottage, Boghall Road, Carluke, ML8 4QL, DATED 16/07/2008
  - Representation from : C & E Lannigan, Pinewood Grove, Boghall Road, Carluke, DATED 11/07/2008
  - Representation from : Mr & Mrs M D Harris, Pinewood Cottage, Boghall Road, Carluke, ML8 4QL, DATED 11/07/2008
  - Representation from : John and Anne Milloy, 2 General Roy Way, Carluke, ML8 4LP, DATED 15/07/2008
  - Representation from : Mrs A Hamilton, Fiddlers Gill, Braidwood, ML8 5PJ, DATED 22/08/2008

## Contact for Further Information

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

Ian Hamilton

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

**CONDITIONS**

- 1 This decision relates to drawing numbers:1631-30 rev B,1631-31 revB,07/2007(PL)001,07/2007(PL)11,07/2007(PL)12,07/2007(PL)13,07/2007(PL)14,07/2007(PL)15,07/2007(PL)16,07/2007(PL)17,07/2007(PL)18,07/2007(PL)19,07/2007(PL)20, 07/2007(PL)21 and 07/2007(PL)22.
- 2 The development hereby permitted shall be started within three years of the date of this permission.
- 3 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.
- 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 before any of the dwellinghouses situated on the site upon which a fence is to be erected is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 5 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 7 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.
- 8 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.
- 9 That before any work commences on the site, a scheme of landscaping 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.; (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.
- 10 In addition to the above a seperate landscaping scheme specifically relating to riparian planting along the riverside shall be submitted to and approved by the Council as Planning Authority in consultation with SNH.
- 11 That the landscaping scheme relating to the development hereby approved shall

be carried out simultaneously with the development, or each phase thereof, and shall be completed and thereafter maintained and replaced where necessary to the satisfaction of the Council as Planning Authority.

- 12 That proposals for the maintenance of all areas of open space within the development shall be submitted to the Council as Planning Authority and no work on the site shall be commenced until the permission of the Council has been granted for these proposals or such other proposals as may be acceptable.
- 13 That before any work commences on the site, a scheme for the provision of an equipped play area(s) and kick about pitch 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 and kick about pitch, 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 kick about pitch; and (d) details of the phasing of these works.
- 14 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) and kick about pitch included in the scheme approved under the terms of Condition 12 above, shall be completed, and thereafter, that area shall not be used for any purpose other than as an equipped play area.
- 15 That no dwellinghouse shall be occupied until the access roads and footpaths leading thereto from the existing public road have been constructed in accordance with the specification of the Council as Roads and Planning Authority.
- 16 That before the development hereby approved is completed or brought into use, a 2 metre wide footway shall be constructed along the frontage of the site to the specification of the Council as Roads and Planning Authority.
- 17 That before the development hereby approved is completed or brought into use, the first 4 metres of this access from the heel of the footway/service strip to individual houses shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.
- 18 That none of the driveways shall have a gradient in excess of 1:10.
- 19 That before the development hereby approved is completed or brought into use, a visibility splay of 4.5 metres by 140 metres to the left and 4.5 metres by 60 metres measured from the road channel shall be provided on both sides of the vehicular access 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.
- 20 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.
- 21 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.

- 22 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.
- 23 That no dwellinghouse shall be occupied until the land drainage works and SUDS have been completed in accordance with the plans submitted to and approved by the Council as Planning Authority under the terms of Conditions 21 and 22 above.
- 24 That the recommendations outlined in Flood Risk Assessment (Kaya Consulting Ltd, 8th September 2009) shall be fully adhered to.
- 25 That no dwellinghouse shall be occupied until the developer provides a written agreement from Scottish Water that the site can be served by a sewerage and water scheme constructed to the specification and satisfaction of Scottish Water as the Water and Sewerage Authority.
- 26 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.
- 27 (a) Prior to commencement of any works on site, a comprehensive site investigation carried out to the appropriate Phase level, shall be submitted to and approved in writing by the Council as Planning Authority. The investigation shall be completed in accordance with the advice given in the following:
  - (i) Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995);
  - (ii) Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11) - issued by DEFRA and the Environment Agency;
  - (iii) BS 10175:2001 - British Standards institution 'The Investigation of Potentially Contaminated Sites - Code of Practice'.
- (b) If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model must be formulated and these linkages must be subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages using site specific assessment criteria will require to be submitted.
- (c) If the risk assessment identifies any unacceptable risks as defined under Part IIA of the Environmental Protection Act, a detailed remediation strategy will be submitted to and approved in writing by the Council as Planning Authority. No works other than investigative works shall be carried out on site prior to receipt of the Council's written approval of the remediation plan.

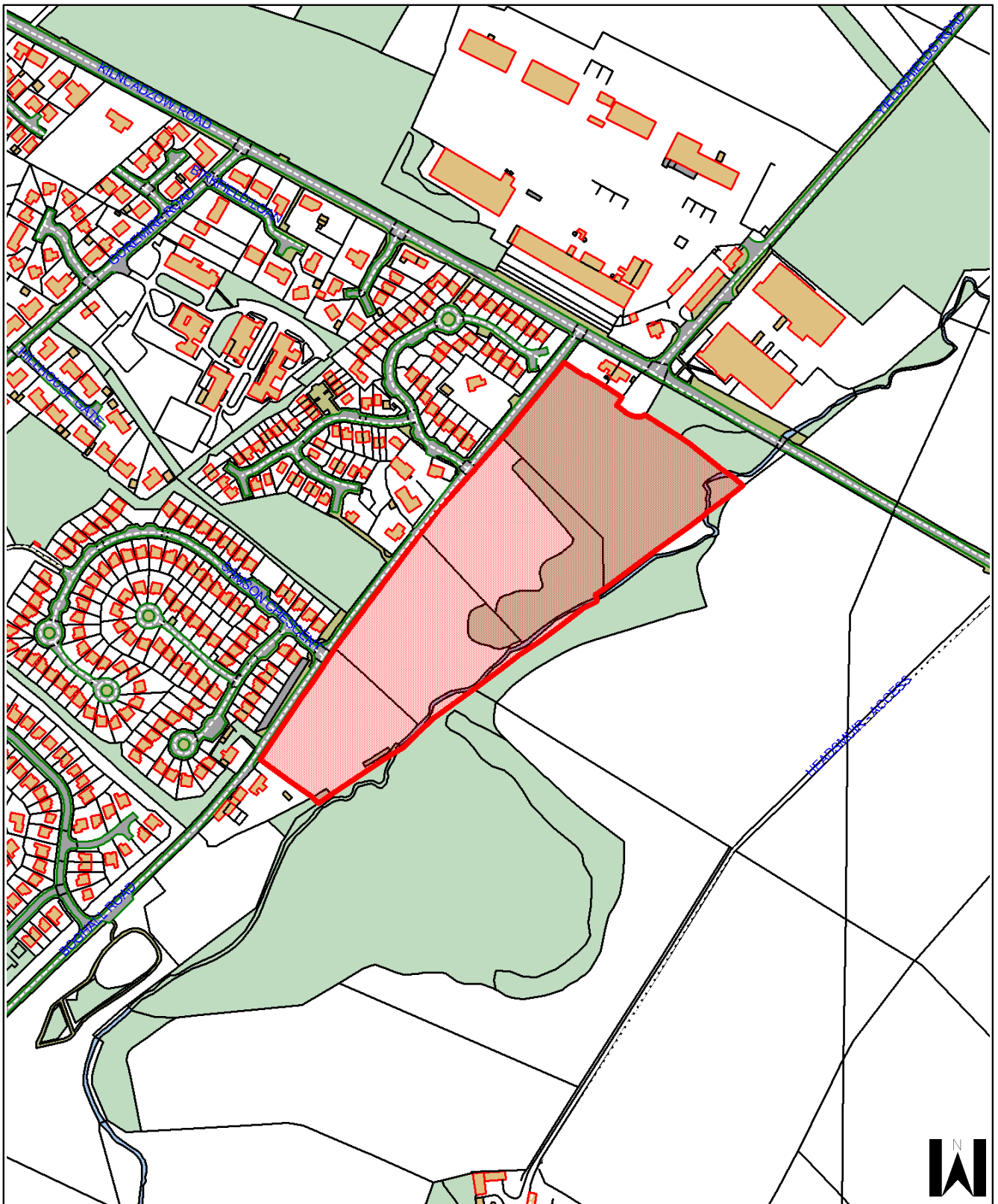
- 28 That during the construction phase the measures for safeguarding badgers and otters as listed in the Protected Species Assessment and Update (Mason Evans, October 2008 & May 2009) shall be fully adhered to.
- 29 No noisy work shall be carried on site within 100 metres of the bat roost, identified in Protected Species Assessment and Update (Mason Evans, October 2008 & May 2009) within an hour of dusk and dawn.
- 30 Bright lights on site shall be hooded and directed away from the bat roost site, referred to in condition 29 above, and also from the treeline adjacent to Fiddler Burn.
- 31 The applicant shall undertake a noise survey to determine the impact of road traffic noise on the development using the principles set out in the "calculation of road traffic noise" (DOT/Welsh Office, HMSO, 1988) or by a method agreed by the Planning Authority and shall identify the Noise Exposure Category specified in PAN 56. If it falls within category B or C then a scheme for protecting the proposed dwellings from road traffic noise shall be included as part of the noise survey.
- 32 Prior to the commencement of development on site, an energy statement which demonstrates that on-site zero and low carbon energy technologies contribute at least an extra 15% 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 15% 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.
- 33 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.

## REASONS

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 To comply with section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.

- 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 In order to retain effective planning control.
- 7 To ensure the protection and maintenance of the existing mature trees within the site
- 8 To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.
- 9 In the interests of the visual amenity of the area.
- 10 To facilitate enhanced cover and habitat along the riverside for otters, a European Protected Species.
- 11 In the interests of amenity.
- 12 In the interests of amenity.
- 13 To ensure the provision of adequate play facilities within the site and in order to retain effective planning control.
- 14 In order to retain effective planning control.
- 15 To ensure satisfactory vehicular and pedestrian access facilities to the dwellings.
- 16 In the interest of public safety.
- 17 To prevent deleterious material being carried into the highway.
- 18 In the interest of public safety.
- 19 In the interest of road safety.
- 20 In order to retain effective planning control
- 21 To ensure the provision of a satisfactory drainage system.
- 22 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.
- 23 To ensure the provision of a satisfactory land drainage system.
- 24 To ensure that there will be no increased risk of flooding to land and properties either on-site or downstream due to impedance of flood flows, increased surface water run off and/or reduction of flood storage capacity.
- 25 To ensure that the development is served by an appropriate effluent disposal system and water supply.
- 26 To minimise the risk of nuisance from dust to nearby occupants.
- 27 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.
- 28 To ensure adequate protection measures for badgers and otters.
- 29 To minimise disturbance to bats, a European Protected Species.
- 30 To minimise disturbance to bats, a European Protected Species.
- 31 To protect residents from unreasonable noise levels.
- 32 To secure a reduction in carbon dioxide emissions.
- 33 To secure the timeous implementation of on-site zero and low carbon energy technologies.

For information only



For information only